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Government Order, and, if so, whether the Government will be pleased to place copies of the same on the table of the House;

(c) what the expected annual income is from the contributions to be realized under the Government Order; and

(d) whether it is a part of the irrigation policy of the Government to demand contributions for repairs of irrigation works from ryotwari landholders and whether the Government will be pleased to issue a communiqué explaining their policy in regard to contributions?

A.—(a) to (d) The attention of the hon. Member is invited to the answer to question No. 711.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, AND THE MADRAS ELEMENTARY EDUCATION ACT, 1920, FOR CERTAIN PURPOSES (BILL No. 2 OF 1934).

* The Hon. the RAJA OF BOBBILI:—“ Sir, I beg to present the Report^a of the Select Committee on the Bill to amend the Madras Local Boards Act, 1920, and the Madras Elementary Education Act, 1920, for certain purposes (Bill No. 2 of 1934), and move that the Bill as reported on by the Select Committee, be taken into consideration.

“ As regards the changes made in the Select Committee, Sir, I think it is not necessary for me to deal at length with them as they have been all dealt with and explained in the Report of the Select Committee itself which is in the hands of the hon. Members of this House. I wish to take this opportunity for thanking the Members of the Select Committee for the valuable assistance they have rendered to the Government in improving the Bill in the directions indicated in the report.”

The Hon. Mr. P. T. RAJAN:—“ I second it.”

Mr. P. V. Krishnayya Choudari rose to move the amendment standing in his name.

* The Hon. the PRESIDENT:—“ As regards Mr. Krishnayya Choudari's motion^b the House will remember that on the 2nd February 1934 when the hon. the Leader of the Opposition moved that it should be an instruction to the Select Committee to consider the question of vesting the executive powers of the district board in an executive officer as has been done with regard to district municipalities, that motion was voted down by the House; and therefore the Member will not be in order to move that motion now.”

^a Published in the *Fort St. George Gazette* on 13th February 1934.

^b Mr. P. V. KRISHNAYYA CHAUDARI will move—

‘That the Bill be recommitted to the same Select Committee with instructions that the executive officers should be provided for each district board, just like the commissioners of the municipalities.’

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MR. ABDUL HAMEED KHAN:—"Sir, I want to submit, if you have not yet given your ruling on the point, that this is a different stage when we are considering the Bill after it has passed through the Select Committee and the Council is now not only in possession of the original Bill but also of the Report of the Select Committee. I thought, Sir, that it was open to any Member of this House to move a motion like this, in order that it might be reconsidered by the same Select Committee or by any fresh Select Committee."

* THE HON. THE PRESIDENT:—"I do not know, if there is any difference between what I stated and what has been pointed out by the Member just now. What I said was this: 'that already an instruction was sought to be given to the Select Committee, and it was turned down. The motion of Mr. Krishnayya Choudari seeks to do the same thing once again and I therefore feel that it cannot be allowed, especially when amendments have been given notice of to the Bill itself and the House will itself have ample opportunities of discussing them.'"

* MR. K. A. NACHIYAPPA GOUNDER:—"Sir, I beg to move—

'that this Bill be recommitted to the same Select Committee with instructions to amend the Bill in such a way as to create divisional boards in the place of taluk boards that are now proposed to be abolished and the district boards that are retained.'

"In moving this amendment, I would like to say a few words. As the word, 'divisional board' and the implications of it are quite plain, it needs no description from me. Of late we have often times heard from many associations and presidents of taluk boards that a compact body which shall have proper control over the local fund affairs in the district is necessary. By abolishing taluk boards and the taking over of all their functions by the district board, the work in the district board will become too heavy and it would be very difficult for a non-official president to cope with the work. Particularly I must point out that we are now adding a great number of elementary schools which were hitherto in the management of a number of non-official presidents of taluk boards to the district board; so, it will not be possible for the president of the district board to bestow sufficient care and attention on this important item, namely, education. I may point out here that even the original Bill which was subsequently modified and passed into Act in 1930, contained provisions for divisional boards. It was extolled by many as a healthy provision and I firmly believe that they will be effective bodies in the place of the district board and the taluk boards. I therefore move this proposition for the acceptance of the House."

MR. ABDUL HAMEED KHAN:—"I second the motion, and I do not think it is necessary to reiterate the arguments that have been advanced by the hon. the Mover of the motion. At the same time, I would repeat one argument that I placed before this House when I spoke on the Local Boards Amending Bill when it was introduced by

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the Hon. the Chief Minister, that it will not be possible for one board or for the matter of that, two boards in one district, to cope with the work that has been so long carried on by such a large number of local bodies called the taluk boards, along with the panchayat boards which also functioned side by side. Now, what is sought to be done in this measure is to take away the numerous local bodies called taluk boards and to hand over all the duties that were being performed by them to the hands of one or two district boards. The hon. the Mover seeks to substitute divisional boards in the place of these two boards, so that the functions which have been carried on by the taluk boards—most of whom were controlling and managing all the elementary schools in the area of the district board—may not come to grief as will be the case if they are handed over to one board alone. A huge district to be handed over to one board and that to manage all the work that was being done by so many local bodies, would certainly be an impossible task.

11-15 a.m. “The other point that I wish once again to submit is that, if we take away these taluk boards, whatever arrangement we make in order to provide for some of the members of the taluk boards and presidents of the taluk boards seats in the district boards or bifurcated district boards, yet it will not be possible for them to have opportunities of doing any public work as they have hitherto been doing in the taluk boards. If, on the other hand, we have divisional boards, we will certainly be limiting the functions and at the same time we will be giving further opportunities to a large number of people to participate in the public activities of the district. These are some of the arguments which certainly ought to weigh with hon. Members with regard to the passing of this measure.”

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—“Mr. President, I do not think I can agree with the hon. the Mover of the amendment, because there is already provision in the existing Act enabling the Government to bifurcate the district boards or further split them up when it is found necessary. When such is the case, if you make statutory provision to divide the district board into so many divisional boards, the same difficulty of deficiency of funds will again come in the way. The very object of abolishing the taluk boards is to tide over the financial difficulty and until that has been done it is not possible to have so many boards in each district. Therefore, I think I will have to oppose the motion.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“Mr. President, the present Act proposes that the district boards should be bifurcated or even trifurcated. That itself shows that divisional boards are essential and we are giving such boards powers of appointing separate district board engineers, panchayat officers, etc. Instead of calling them by big names with more expenditure, I agree with my friend, Mr. Nachiyappa Gounder, to call them divisional boards and then we may have a district committee, say, consisting of 10 members or something like

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that, in addition to these divisional boards, for the purpose of co-ordinating the work of these divisional boards. I think therefore in order to do real work in the villages, it would be better to have divisional boards instead of the district boards."

Rao Bahadur Sir A. P. PATRO:—" Mr. President, Sir, I really appreciate the interest which the hon. Member has evinced in bringing forward and talking on this motion in favour of divisional boards and the anxiety of my hon. Friend, Mr. Hameed Khan, that more opportunities should be given for training people in local politics and political education and that these divisional boards would give immense opportunities of equipping them fully with local affairs and the political knowledge that he and others possess and exhibit in this House would be afforded to others also. At the same time, I wish to tell them that the whole of this amending Bill is based on one single and solid fact, namely, that at present, as we have got these divisional boards split up it is most essential that any such political education or training should be possible. Instead of that, hon. Members will admit that there has been such an amount of confusion—I won't use the other word, corruption—but there is an amount of confusion that it is essential, that there should be some way of getting rid of it and the only way by which it is possible to do, that is; not only to abolish the small boards which are not able to pay the staff that are doing the work and rendering service to the people from whom they are levying taxes, but to have, instead of them, two divisions, namely, the panchayats and the district boards. The panchayats form the basis of the political constitution of India. Strengthen the panchayats and let political education begin there in the villages, with the rural population and I am sure my hon. Friend, Mr. Nachiyappa Gounder, is very anxious that the rural area should be politically developed and that there should be political consciousness in the rural population and that they should realize the responsibility of rendering service to the rural areas. All that, he realizes as much as anybody else, but his reason for having divisional boards is inexplicable at this stage, because what are these divisional boards after all? As we have seen before, they were bifurcated and trifurcated. These divisional boards were not able to meet local requirements and, they were not able to do effective service to the country and it was therefore considered necessary to make another experiment, we made an experiment in democracy by bifurcating and trifurcating them; and now we are making another experiment, namely, giving opportunities for village panchayats about which every one in the House will agree that they should form a solid foundation in rural areas. If that is the object of this House and the hon. the Mover, I am sure that the divisional boards will not be necessary and that was why the Bill was accepted by the Select Committee and this House on principle, I mean the principle of having panchayats and district boards and that the district boards should be divided, wherever it is possible, to meet local conditions. I therefore say it is too late in the day and it is unnecessary now to go back to the old system of divisional boards."

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* Rao Bahadur A. T. PANNIRSELVAM:—"Mr. President, I feel constrained to oppose this dilatory motion for the reason that, this is a matter which hon. Members should have raised at the first reading of the Bill itself and thereby given an opportunity to the Select Committee to consider that aspect of the matter also; and having slept over that opportunity it seems to me that there is no object in moving this motion at this stage, unless it be to delay the passing of the Bill. As I made myself clear the other day, I am not personally very enthusiastic over the Bill for reasons which I explained then. But, I feel that this amendment would lead to greater confusion than I thought or feared might emanate from the passing of this Bill. I would just like to mention one or two very great inconveniences which would be the necessary effect of accepting the proposal involved in this amendment. It would in fact amount to nothing more than the abolition of district boards and reconstitution of taluk boards everywhere, as they were, about ten years ago, before the various taluk boards were divided, when each revenue division was a taluk board. The inconveniences which I refer to are these. Taking a revenue district, you will have on an average not less than five and in some cases even seven or eight divisional boards, whatever be the names by which you may like to call them. So, within a limited area, you would have seven different agents to look to the services which are now being attended to by local boards. If you take communications, you will find through communications running from one end of the district to another, passing through probably three or four divisional boards. And, we know from actual experience, that each board has got its own standard of efficiency in the matter of the various services. You will probably find a road for the first ten miles maintained in A-1 condition and going on to the next ten miles, it will be in a most miserable condition and probably the third in a mediocre state of things. (Rao Bahadur T. A. Ramalingam Chettiar: 'The boards are different.') But, generally in the same board it does happen that the roads are maintained and kept in a good condition from one end of the district to another. People who have had experience of travelling through various districts will find the roads in various stages of repair. I would only point out that this evil would be all the more accentuated and the evil would become most apparent particularly in the field of public health. In the matter of communications, at least one district board maintains its roads in a good condition and you will feel the evil effect of it only when you go to the next road. But in the matter of preventing epidemics, even the most efficient board will not be able to safeguard itself against the evils which would percolate to its area due to the inefficiency of the neighbouring board. Within one district, particularly in a deltaic district like mine, where the epidemic of cholera migrates along the water-course and even the most efficient control which might be exercised by one divisional board would not secure it against infection, against danger and against the negligence of the neighbouring board in matters like this. (Mr. Abdul Hameed Khan: 'The same thing will happen with two district boards.') I do not deny that and even if you

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can have one board for the whole Province, you will not wholly avoid it, but force of circumstances compel us to divide these local bodies into limited areas. Why accentuate the evil, then? As I said even my opposition to the original Bill was based mainly on this score; but the bifurcation of the district boards necessarily becomes inevitable when you abolish these taluk boards; but having decided to abolish the taluk boards, there seems to be no other alternative except to have smaller boards than the present district boards, but in dividing them, let us not make them too small as to make the danger all the greater. These, Sir, are some of the inconveniences which just now occurred to me on the question of splitting these boards into smaller and smaller bodies. At any rate it seems to me that there is absolutely no justification for this motion being thought of at this eleventh hour."

* Mr. M. A. MUTHIAH CHETTIYAR:—" Mr. President, Sir, this House has been accustomed to discuss such motions and I consider this motion as dilatory, especially after a committee consisting of about forty Members considered the Bill in great detail, clause after clause, and I believe this question was also fairly discussed in the committee—I mean the question of the area of a board, whether you call it divisional board, circle board or district or taluk board, by whichever name you call it. Sir, in regard to the idea suggested that there should be smaller boards, in fact originally there were smaller boards and we were not satisfied with them and now we are not satisfied with the finances of all these boards and it is therefore considered necessary to have a reorganization of the whole system. Sir, if this motion is accepted, I do not know when this Bill will come up again before the Council—probably in August next—and I do not know how these boards will carry on their work after 1st of April. So, this motion will be actually defeating the very object of this measure.

" One other thing I would like to mention in this connexion. The taluk boards are now suffering and they would undergo greater suffering and the employees for whom great support has been given by some Members of this Council will also suffer. They have not got their pay for some months and they would be in the same position as before. Therefore, from the financial point of view, we have to consider whether the Bill is urgent or not. I should say, from the information we have had, it seems to be urgent to abolish the taluk boards and constitute more district boards.

" The only question is what kind of boards have to be constituted. 11-30
The Mover of this motion has not definitely told us anything about a.m.
the constitution of the divisional boards that he proposes. I do not know whether he likes to have the same constitution as now exists in the case of the taluk boards, but as the proposed boards will be smaller in number I do not think it will improve the position. If he should suggest any other and better form of board, then it may be considered. Even if he does so, I think it is now too late to accept the change.

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If the experiment that we are now to work out is not going to be a success then it will be time enough for the Council to consider further amendments to the Local Boards Act. Especially in the field of local self-government it will not be too much to experiment from time to time, as we have been experimenting always. I think we are still in the experimental stage and therefore some amendments may be found necessary after a reasonable period of working.

“There is another reason why I oppose this motion. One argument adduced for the abolition of local boards is that there should be more district boards. Others argued that there should be only one district board for every district. The argument for the retention of the taluk boards lends great strength to the case put forward by those who want more than one district board for a district. Now, considering the arguments put forward for the creation of divisional boards, the Hon. the Minister and the Government will consider the advisability of creating as many district boards as possible. To meet the needs of the situation in some districts, more than one district board may be necessary for one district. I am very glad to note that the Members who have supported the idea of having more taluk boards have indirectly supported the proposal of those who want more district boards. I think the Bill has been sufficiently considered by the Select Committee and there need not be any further delay now.”

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“Mr. President, Sir, I am afraid, I cannot vote in favour of this motion. We will have to take the amending Bill as it is and also what the effect will be if this motion is passed. The amending Bill provides for the abolition of the taluk boards and for the creation of an additional district board for one or more districts, retaining the existing district boards and reducing their jurisdiction wherever possible. The motion, if passed, will be that it aims at the abolition of the taluk boards as also the abolition of the existing district boards. It does not provide any opportunity for the existing district boards to remain with the jurisdiction reduced. Even as it is, there is considerable heartburning in the taluk boards being abolished, and if this motion is passed, it will make the position worse. For, the taluk boards will be abolished, and the district boards, instead of being retained with a reduced jurisdiction, would also be abolished. So, I am sorry I cannot support this motion.”

B. POCKER SAHIB Bahadur:—“Mr. President, I have great pleasure in supporting this amendment. Sir Patro was rather in Utopia when he just mentioned that the panchayats are political units in India. He has entirely forgotten the glaring fact that a large portion of the country is without panchayats. There are both panchayat areas and non-panchayat areas, and this Bill itself makes provision for the administration of non-panchayat areas. So the basis on which the hon. Member proceeded to say that panchayat is a political unit is itself quite wrong. One of the reasons which seems to have prompted the bringing in of this Bill is a financial one. Now, first of all I would request the House to consider the question not only from the financial

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point of view but also from the point of view of efficiency. The first consideration we have to bear in mind is that every area of the district has to be attended to properly. As the Bill has taken shape in the Select Committee, there is to be one district board for each district, of course with power to the Local Government to bifurcate it whenever they think it desirable. At present there are panchayats only in small areas. There are areas without any panchayats. Of course, efforts will be made in course of time to increase the panchayats but with only these panchayats in some of the areas and with only a district board for the whole district, it will not be possible to attend efficiently to the needs of the whole district. Particularly as regards the non-panchayat areas, if they are under the care of one district board covering the whole district, I am sure the non-panchayat areas will suffer greatly. And therefore it is absolutely necessary that the area left to that body—whether you call it district board or divisional board or circle board, whatever it may be—must be such a compact one that it can be efficiently administered by that body. As things stand, no doubt, the answer will be that power is given to the Government to bifurcate these district boards. But that provision is there already and it is left to the will and pleasure of the Government to bifurcate it whenever they think it desirable. And even here, there will be ever so many considerations which will stand in the way of the Government also even if they themselves want to bifurcate. And what is now sought by the amendment is to put the same idea on a statutory basis. That is all. Under the Bill as it has evolved from the Select Committee, the Government is given the power to bifurcate whenever they think it desirable. What the amendment now seeks to do is to put it on a statutory basis that every division shall have a board, and that will be the unit for administering the non-panchayat areas and supervising the work of the panchayats. Therefore, the only difference between the Bill as it has evolved from the Select Committee and this amendment is only to put the same idea on a statutory basis and begin with efficient administration of the whole area rather than leave it to the will and pleasure of the Government whenever they think fit to bifurcate these bodies. Moreover, I am afraid as matters stand, if the Bill is to be given effect to and if the district boards are to be bifurcated more or less immediately by the Government, then from the financial point of view, there will not be much of a difference between the state of affairs which will be produced if the amendment is carried and if the Bill as it has evolved from the Select Committee is given effect to.

“A point was raised by my hon. Friend, Mr. Pannirselvam, that it is too late in the day to raise these questions and the matter ought to have been considered at the first stage when the Bill came up before this House. I say that that is not the correct view to take, because that was not a stage when amendments could have been proposed. And I understand from my hon. Friend here that in the Select Committee this question was discussed, and my hon. Friend, Mr. Muthiah Chettiar, himself was saying that this aspect of the matter was considered

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by the Select Committee and they came to an adverse conclusion. And certainly when the Select Committee has come to such a conclusion, it is quite open to the House to reconsider it and see whether that conclusion is correct or not. This is the proper stage when this question has to be considered, and therefore, I have great pleasure in supporting this amendment."

* The Hon. the RAJA OF BOBBILI:—"Sir, I think that the House has sufficiently discussed this amendment. Speeches have been made both for and against it, and I do not think there is much for me to add to the debate. I take it that the intention of the hon. Member is to abolish both taluk boards and district boards and substitute in their place divisional boards. But I could not follow the hon. Member when he said in his speech that similar provision was made in the Act of 1930. As far as I am aware, no such provision is made in the Act of 1930 to have any divisional boards. I am afraid, Sir, that the provisions sought to be embodied by means of this amendment are unjustifiable both financially and administratively. And as pointed out by my hon. Friend, Mr. Ratnasabhapaty Mudaliyar, they would be unworkable also. Moreover, by making a statutory provision about bifurcation and trifurcation of taluk boards we have landed ourselves in the present difficulties. I should think, Sir, we should benefit by our past experience and should not agree to such a far-reaching experiment as that now proposed in the Bill. I therefore oppose this amendment."

* Mr. K. A. NACHIYAPPA GOUNDER:—"Mr. President, Sir, my hon. Friend, Mr. Pannirselvam, asked why this sort of dilatory motion should be brought forward at this stage. It has been the feeling in many parts of the country that there should be divisional boards in the place of the district and the taluk boards if the latter are to be abolished and so I naturally thought that the Select Committee will consider this question and come to a favourable conclusion. As a matter of fact the memorandum submitted to the hon. Members of this House by the Association of Presidents and Vice-Presidents of Taluk Boards in Salem district dealt with this point, and there is a general feeling that such a course will be conducive to better administration. Hence it was the hope of us all that the hon. Members of the Select Committee would have tackled this problem sufficiently well and arrived at favourable decisions. Now, having found that nothing has been done, I came forward to suggest that this may be considered now. He also raised a question that the administration of roads and other things under different divisional boards would vary and it would not be very conducive to proper work. I may say, Sir, that roads, public health and other matters are under the direct control of the officers, such as the district board engineer and the district health officer, etc., appointed by the Government. So it will not be difficult to maintain a uniform policy with regard to these matters in all these divisional boards. These divisional boards will be there to give directions and at the same time to provide funds generally as suggested by the district officials connected with the local fund administration. So, I cannot find any difficulty

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in maintaining a uniform policy and having the same and proper kind of work throughout the district. Many of the hon. Members have raised the point that this would involve additional expenditure, but I may say to them that the present establishment charges of the management of the district board together with a portion of the cost of management of the present taluk boards will be more than enough to meet the expenditure of the office establishment and other things of the proposed divisional boards, since the highly-paid officials remain the same and there will be considerable saving in the expenditure at present incurred both by the district and taluk boards towards their management charges. On the whole there cannot be any difficulty in having these divisional boards working on proper lines. The only thing, as pointed out by my hon. Friend, Mr. Muthiah Chettiyar, may be that there will be a little delay. Even if it is the opinion of Government that a moment's delay will bring utter breakdown in local fund institution, I believe, if the hurry with which the present measure is carried through and which has become a common feature with Government is also applied to the proposed measure, I think it may be brought into being early without consternation to my hon. Friends who apprehended serious delay. And there cannot be any disadvantage or really any great loss to these local bodies if this hon. House is to give due weight to popular opinion. So, I think this proposal will be quite acceptable to the House. I really fail to see, Sir, what real difficulty there can be in forming these divisional boards. By divisional boards, I mean that each revenue division may have a local board taking over the functions of both taluk and district boards, and by doing so, we will be reducing the present number of local boards in a district to a considerable extent. By abolishing the district boards, we will have a good lot of savings in expenditure on management. By abolishing these two kinds of bodies, we can have a lot of saving in expenditure on management, and only a part of it will be devoured by the proposed divisional boards and yet there can be savings in this respect. So I commend this proposal for the acceptance of this House."

11-45 a.m.

The amendment was put and lost.

* MR. K. A. NACHIYAPPA GOUNDER:—"I beg to move, Sir—

'that the Bill be recommitted to the same Select Committee with instructions to make adequate provisions to the clerks and other employees of the taluk boards instead of immediately turning them down on the abolition of taluk boards.'

"Sir, this is a proposition which I would like very much that the Council considers at great length. In the report of the Select Committee as it is before the House, I do not find any adequate provision as regards the local board employees. In the taluk boards, we have got a number of clerks, peons and other subordinates who are entirely depending upon their appointments for their livelihood. If the Bill before us to-day is to become an Act, all on a sudden, and if these employees are to be deprived of their bread, it will be a great hardship.

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These taluk board clerks are all in pensionable service and all along they have been fondly hoping that they will retire and have a pension and thus spend their old age in a comfortable way. If they are said on a fine morning that they will be turned out into the streets for no fault of theirs, their position and misery may well be imagined than described. So, Sir, I think that it is our duty to make some satisfactory provision for them. These provisions ought to be adequately considered and a proper remedy must be sought. Instead of considering the matter in the Council by means of amendments, I think it would be better if a compact body like the Select Committee considers it and comes to some conclusions by which these clerks will not be deprived of their bread and some remedy could be sought for them. I hope, Sir, the hon. Members knowing the miseries of these taluk board employees who have put a volume of memorials before us for our sympathy, will rise to the occasion and give their full support to this motion."

Mr. ABDUL HAMEED KHAN:—"I second it."

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"Sir, I am sorry I have to oppose this motion also. Sufficient provision is made in the Bill to provide for the absorption of the employees of the taluk boards. There is no indication in the hon. Members's speech of any constructive proposal to provide for the employees of the taluk boards. I do not know how he proposes to have any provision which will absorb all the clerks or employees immediately. Moreover, it seems to me also that his proposal is a dilatory motion. Therefore, Sir, I oppose this."

* Rao Bahadur A. T. PANNIRSELVAM:—"Sir, I also oppose this motion. In doing so, I make it clear that it is not by any means due to want of sympathy for the taluk board clerks that will be thrown out of service as a necessary consequence of the measure that we contemplate passing I oppose it more particularly for the reason that the main object of the amendment is again a dilatory one. I should be only too happy if the hon. Member would arrange with the Government to have the matter discussed, say, within a day or two before we are at the end of the Bill and arrive at a satisfactory method by which everyone of those who is in the service of the various taluk boards could be absorbed. Barring that and barring the turning down of the whole Bill, it seems to me that it is best that we get through as early as possible, if for no other reason than this, that the agony of these poor men do come to an end as early as possible. Apart from that, it seems to me, Sir, that this is a question which the Select Committee have already considered and made their own proposal over it. Nothing is to be gained by referring back the same question once again to the same Select Committee. Further amendments to the report of the Select Committee on this matter have been given and I am sure that that matter can be considered in detail and in full when that particular clause which deals with such of the staff as are likely to be thrown out comes up. More than one amendment is given and I think, Sir, that we would then

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have before us sufficient data for enlightening ourselves as to the best course to adopt,—best in the sense that the least possible number of people could be affected. Therefore, I oppose this measure which is a recommendation to refer it back to the Select Committee.”

Rao Bahadur Sir A. P. PATRO:—“Sir, I am very sorry that the hon. Member, Mr. Nachiyappa Gounder, has lost sight of the provision that has been made. In the report of the Select Committee itself at page 3, it is said:

‘We have amended this rule so as to make it clear that in making appointments to posts in a district board or panchayat, selection should be restricted to employees of taluk boards who are thrown out of employment by the passing of this Act so long as such persons continue to be qualified and suitable for such posts.’

Therefore, Mr. Nachiyappa Gounder, who was a very active Member of the Select Committee will note that the Committee considered this question carefully and ultimately it was accepted in the form in which it has been reported here. Therefore, I do not see that any useful purpose will be served by referring back the matter to the Select Committee which has considered this as its deliberate opinion.”

* Mr. M. A. MUTHIAH CHETTIYAR:—“Sir, the question of the employees of the taluk boards who will be dislodged has agitated not only the hon. Members of this House, but the public of the Presidency. The employees have memorialized to the Members setting forth their claims of service in some cases ranging from 10 to 20 years of service and what they could do if they were to be thrown out of employment all on a sudden. It is not only the Councillors here, but the public outside also feel very sympathetic towards these employees. But at the same time one has to look into the financial implication of such a proposal to guarantee employment to all the employees. This was considered in the Committee, and just as my hon. Friend, Sir Patro, pointed out to this Council, a conclusion has been arrived at. I find that my hon. Friends, Mr. Pannirselvam and Mr. Basu Dev, have given very comprehensive amendments to provide employment for all persons dislodged. It is open to the Council to discuss and decide on these amendments. I do not think any purpose will be served by the Council referring the matter back to the Select Committee. It is a very vital matter and once it has been already considered by the Select Committee, the only proper authority to consider it over again is the Council. Therefore, I think I should oppose the amendment of the hon. Member from Salem.”

* The Hon. the RAJA of BOBBILI:—“Sir, I have to oppose this amendment. The hon. Member is not clear what exactly he wants to be done, whether he means that all the employees should be provided with a pension or provided with employment, I do not follow. Moreover, I wish to say for the information of hon. Members in this House that it will be wrong if they think that all the employees of the taluk boards will be thrown out of employment. As far as the medical establishment and the elementary education establishment is concerned,

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they will be continued and as district boards will be in future entrusted with greater work, they will have to take at least one or two clerks from the taluk boards. Apart from this, Sir, there will be three months' time for the Government to consider this question with the greatest care and frame rules so as to cause the least possible hardship for these employees. I therefore oppose this."

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, in the Hon. the Finance Member's Budget speech we have heard much about the promise and the pledge extended to and the security necessary for the Government servants even in a very little matter as a small percentage of cut in their pay. I very much wonder, Sir, how the Hon. the Chief Minister who is a Member of the same Cabinet has come forward to turn out a number of employees who are under his care and protection without providing some means or other for their subsistence. It has been said, Sir, that adequate provision has been made in the Bill. But my feeling is that it is not at all adequate since the employees are proposed to be disbanded and they will have to wait till they get their chance, nobody knowing when it will come. It may take months or years or it may not come at all. Further, Sir, I find some qualification is insisted on for again being taken into service. I do not know what that qualification means. I fear very much that a number of them who have long experience hold pensionable posts and will not be spared being discharged if some qualification is prescribed. If such sort of conditions are imposed and if they are to wait, for their re-entertainment, I ask, Sir, where are they to go for their food. So, Sir, I think that some measure or other ought to be found for their being taken into service and retrenchment may be made after proper attention has been bestowed on their lot. My hon. Friend, Sir Patro, was completely mistaken when he said that I was in the Select Committee. The fact is I was not in the Select Committee and so I was obliged to give notice of this amendment. So, Sir, I believe every one of the hon. Members will sympathize with the poor lot of these servants and this House will consider this motion favourably."

The amendment was put and lost.

12 noon. * The Hon. the PRESIDENT:—"I will now put the main motion to the vote of the House.

"The question is that Bill No. 2 of 1934 as reported on by the Select Committee be taken into consideration."

The motion was carried and the Bill was taken into consideration.

Clause 1.

* The Hon. the PRESIDENT:—"I will now put clause 1 to the vote of the House.

"The question is that clause 1 do stand part of the Bill."

The motion was carried.

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Clause 2.

Mr. P. PEDDI RAJU:—" May I rise to a point of order, Sir? The amending Bill does not provide for section 3-A."

* The Hon. the PRESIDENT:—" The hon. Member will please make his position clear."

Mr. P. PEDDI RAJU:—" Sir, the amending Bill does not cover section 3-A at all. Therefore it seems to be out of order to bring in amendments to section 3-A (2)."

* The Hon. the PRESIDENT:—" The amendment deals with the notification of areas as districts for the purposes of this Act. The bifurcation of district boards is one of the principles of the Bill as pointed out in the statement of objects and reasons. There are also clauses dealing with the appointment of one officer for two or more districts. I think that this amendment is in consonance with the spirit of the Bill and therefore I hold that it may be moved and discussed."

* Mr. K. SINGAM AYYANGAR:—" Mr. President, Sir, I move that section 3-A (2) of the Madras Local Boards Act of 1920 be amended as follows:—

' The Local Government shall by notification declare any local area in the Revenue district to be a district for the purposes of this Act and specify the name of the district provided that there shall be at least two district boards for each of the Revenue districts except the Nilgiris district irrespective of the finances or the area on the commencement of this Act.'

" In moving this amendment I wish to inform this House that this is consequential on the abolition of the taluk boards for administrative purposes. I may first point out why it is necessary that the district boards should be bifurcated from the administrative point of view at least to two. It was pointed out on the floor of this House that because the finances of the district boards have been crippled and are not in a satisfactory condition, one body must be maintained. It was not mentioned, as to how they would not be crippled with one body. I may point out to the House that the finances of these district boards have been crippled by the introduction of the Motor Vehicles Act and the formation and working of the village development fund. These defects have been remedied in the present amending Bill. Hereafter therefore there will be no danger of their finances being affected if these boards are bifurcated. The reason for my suggestion that they should be split into two is that, seeing that the taluk boards are to be abolished, the administration could be carried on efficiently only if the administrative area is reduced considerably. Only if the sphere of activities of these bodies is thus restricted can they function satisfactorily. I may point out in this connexion that in the annexure to the Act which enabled the appointment of commissioners to municipalities, certain municipalities had been mentioned which were to have commissioners. But what is the position to-day? The Government

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have gone beyond the annexure and the anomaly prevails that every day a new municipality is added to it and the principle put up before could not be followed. If it is suggested that it is necessary to add to the annexure in this manner, I may well ask, what is the good of having an annexure at all? Why mention in the list only certain municipalities and add to the list later irrespective of their income? What I want to say, Sir, is that if we mention in the Act itself that all the district boards will be split into two there will be no occasion for the Government to select particular boards for bifurcation. From the administrative point of view bifurcation would help matters very much. The spread of elementary education can be well attended to if we have two boards instead of one. The question of finance, as I said, does not come in the way, because, the difficulties created by the utilization of village development is being removed. I therefore suggest that my amendment may be accepted."

* Mr. M. A. MANIKKAVELU NAYAKAR:—"Sir, I am not in favour of bifurcating any district, but I second this amendment because I do not want to give any discretion to the Government in the matter of bifurcating certain districts and not bifurcating certain others. Personally I am strongly in favour of having a single board for a whole district. I do not want that the Government should be put in the difficult position of exercising their discretion in these matters based not on principle but on extraneous considerations. Sir, as has been pointed, a schedule was attached to the District Municipalities Amending Act mentioning the municipalities to which executive officers would have to be compulsorily appointed. Power was also given to the Government to appoint commissioners to such of the municipalities as they deemed fit on administrative or other grounds. But what has happened? The number of municipalities mentioned in the schedule was about 10 or 12, if I remember right; but now the Government have appointed commissioners for double the number of municipalities mentioned in the schedule. I submit it is very wrong. If the Government wished to appoint commissioners for the other municipalities than those mentioned in the schedule, they should have included them in the schedule. They limited the number in the schedule but took power, in extraordinary circumstances to appoint commissioners for others. We now find that it was a mistake to have given them this power. If power is given to the Government in this case also to act similarly, they would use it arbitrarily. That is the reason why, though I am in favour of having a single board for a whole Revenue district, I am giving my support to this amendment."

* Mr. SAMI VENKATACHALAM CHETTI:—"Mr. President, I desire to explain this situation. This amendment which has been moved by my hon. Friend, Mr. Singam Ayyangar, is necessitated by the omission of section 4 in the report. It relates to the constitution of a Revenue taluk as a taluk board. Section 6 of the original Act has not been touched."

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The Hon. the RAJA OF BOBBILI:—"I am afraid, Sir, the hon. Member has probably not got the latest Act."

* MR. SAMI VENKATACHALAM CHETTI:—"Then the legal difficulty is over. But with regard to the constitution of the new divisional boards, it is very necessary that some indication of the policy on which the Government are going to proceed should be made known. It should not give room for suspicion that the bifurcation or the redistribution of the districts is done on lines not intelligible to the public. Either the redistribution must be based on the inadequacy of the finances of the district boards concerned or on account of their unmanageability or some such known reason. The complaint has been that, in the matter of the appointment of commissioners for municipalities, though at one time it was said that it was only intended to relieve pressure of work on the honorary officers of Local Self-Government institutions, it is found that commissioners are being appointed to a number of municipalities where pressure of work has not been the reason. It may be a very desirable thing, Sir, to have these commissioners, but, if that is so, they should be appointed for all the municipalities. I do not see why Guntur, or Tanjore for that matter, should be put down in the list for the appointment of commissioners and other municipalities should have these officers already. Therefore, in order to avoid giving room for the suspicion that the redistribution of these areas is governed by private reasons, I would desire that the Government should tell us the policy which would guide them in the matter of the redistribution of these areas."

* Rao Bahadur A. T. PANNIRSELVAM:—"Sir, it seems to me that this is a matter on which very much could be said on either side. We could argue for hours on the advantage of having these bigger boards and argue equally well for hours on the great advantage of having smaller local bodies. But I would oppose this amendment solely on this ground that I feel that this Bill is a huge experiment for the success of which the Hon. the Raja of Bobbili has made himself solely responsible."

"He said it in so many words in introducing the Bill, and it seems to me, Sir, that it is up to us to give him as free a hand as possible. I have no desire to damp his enthusiasm over it; I have, as I have already stated before, my own doubts. But as regards the new boards, which are to come into existence, whether it be two boards, or three boards, it is up to the Executive to consider each case on its own merits. We, speaking on a matter like this here, can proceed only on *a priori* grounds, on grounds, or rather on arguments, the counter of which would be equally plausible and effective. It might be, Sir, that some boards are perfectly solvent to-day, so solvent that with bifurcation or even with trifurcation, they would be able to run on efficiently and smoothly. It might be that in other district boards the finances are in such a state of depletion that unless all the resources available are pooled together and put into one hand it might not be possible to carry

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on the administration. And therefore it seems to me that at least for a certain time we should give a free hand to the Government to consider each case on its own merits and come to a conclusion based on the circumstances attendant on that particular case. And if after that we find that this system does not work, it is open to us to revise the local boards constitution once again. I am not suggesting anything novel. As I said on an earlier occasion, the Local Boards Act is one which has been constantly in the hands of this Council for the last ten years and more; and more especially during the last three years. Hon. Members of this House could never sit quiet or enjoy a clean conscience unless somebody or other had a hand either in restricting the powers of municipalities or in clipping the wings of the local boards. Therefore there will be nothing new, nothing strange in our putting the finger in the pie if you will allow me to say so, and amend the whole thing. Therefore, it seems to me that it will be a wise policy on our part to give a free hand to the Government, which has taken on itself the responsibility for introducing this Bill and for suggesting to us this as the safest and best remedy available under the circumstances. Therefore I feel constrained to oppose this amendment, which would be only tying up the hands of the Government in a particular manner."

* The Hon. the PRESIDENT:—"I wish to tell the hon. Mover that the proper form of his amendment should be like this:

'After clause 2, add the following as clause 2-A:—

"For sub-section (2) of section 3-A of the said Act the following sub-section shall be substituted, namely, etc."'

"I hope the hon. Member has no objection."

Mr. K. SINGAM AYYANGAR:—"I have no objection, Sir."

* The Hon. the RAJA OF BOBBILI:—"Sir, in the discussion on this amendment, I find hon. Members have brought in questions relating to the District Municipalities Act. The statement has been made that Government have abused their powers given them under that Act. Hon. Members will remember that when that Bill was passed by this House, no undertaking was given that the operation of the Act would be restricted to the scheduled municipalities. In fact that was not the intention of the Act at all. As a matter of fact there were a number of other municipalities which could be brought under the Act in the first instance even while the Bill was before this House, besides those mentioned in the schedule. The policy of the Government in this respect has been to extend this appointment of commissioners to as many municipalities as possible provided suitable persons are available. In pursuance of this policy we have been bringing in additional municipalities under the ambit of the Act. I may also state the hon. Mover himself knows this. I have received representations that Government are only doing the right thing in extending the appointment of commissioners to as many municipalities as possible.

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“ Now coming to the amendment, Mr. Sami Venkatachalam Chetti wants us to state the policy of the Government in bifurcating district boards. This is a question I have already explained in the Select Committee and in my speech during the earlier stages of this Bill in this House as well. As a matter of fact I have made it clear on a previous occasion that Government are not taking any power for the first time to bifurcate district boards, and if my friend wants me to repeat what I have already said I have no objection to do so. The principles which guide Government are (i) financial position, (ii) population, (iii) compactness and (iv) other geographical features. I might state that it is not the opinion of Government that it would be possible either for administrative or for financial reasons to bifurcate every district board.

“ My hon. Friend, Mr. Manikkavelu Nayakar, thought that no option should be given to the Government to use their discretion. I may point out to him that even in the amendment supported by him there is option; for it says, ‘ provided that there shall be at least two district boards for each of the revenue districts . . . ’ So the amendment gives option to Government to have any number of district boards. So, for the reasons stated I find it unwise to have a compulsory statutory provision for bifurcation of district boards irrespective of financial and administrative considerations. I therefore oppose this amendment.”

MR. A. RANGANATHA MUDALIYAR:—“ Mr. President, Sir, I am much obliged to the Hon. the Chief Minister for having taken us into his confidence as regards the principles which would guide Government in the matter of bifurcation of district boards. I am afraid his answer is not complete. He has said he would be guided by population, finance, compactness and other geographical features. I want to know further from him, whether if two or three of the conditions are satisfied, finance excepted, he would think that the sum total of those considerations would justify the bifurcation of a district board. (Laughter.) I should like to know whether he would pursue his policy of dividing district boards even though financially each of the split-up district boards may not be self-supporting.” (Laughter.)

* The Hon. the RAJA OF BOBBILI:—“ I may state for the information of the hon. Member and the House that among the three or four considerations I have laid down, the financial aspect is the most important. Government do not propose to bifurcate unless the split-up boards are self-supporting.”

MR. K. SINGAM AYYANGAR:—“ Sir, I moved my amendment only to facilitate Government in their work, because there will be administrative difficulty felt in spite of the assurances given by the Hon. the Chief Minister, and because the four grounds, which he pointed out, would not tally with regard to having one board. That is why I said there should be at least two district boards for each of the Revenue districts. Of course, Mr. Pannirselvam pointed out to me that the Chief Minister

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has taken the whole responsibility for bringing this Bill, and that he himself was diffident about its working. In order to avoid the solving of these anomalies at a future stage I want to introduce this provision both in the interests of administration and the public point of view."

* The Hon. the PRESIDENT:—"The question is—

'After clause 2, *add* the following as clause 2-A. For sub-section (2) of section 3-A of the said Act, the following sub-section shall be substituted, namely:—

"The Local Government shall by notification declare any local area in the revenue district to be a district for the purposes of this Act and specify the name of the district provided that there shall be at least two district boards for each of the revenue districts except the Nilgiris district irrespective of the finances or the area on the commencement of this Act." "

The amendment was lost.

Clauses 2, 3, 4, 5, 6, 7, 8, 9 and 10 were put and carried.

Clause 11.

New section 27-A.

* The Hon. the RAJA OF BOBBILI:—"Mr. President, Sir, I beg to move—

'*that in sub-section (1) (ii), for the word "organization," substitute the word "supervision."*'

"This is a verbal amendment and it is necessitated by the fact that it is the duty of the Government to constitute as many panchayats as possible, and so to provide for an effective supervision over them the word 'organization' has to be deleted and the word 'supervision' has to be inserted in its stead."

Mr. E. CONRAN SMITH:—"I second it."

* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I quite agree with the Hon. the Minister in adding the word 'supervision,' as upon supervision depends the efficient work of the panchayats. But I cannot agree with him in the deletion of the word 'organization.' We have to provide for the organization of the panchayats. Apparently the panchayat officers are to work under the standing committees. So to make the scheme complete I would suggest to the Hon. the Chief Minister to retain the word 'organization'."

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"Sir, Government are responsible for organizing the panchayats. The interests of the district boards may very often conflict with the interests of the panchayats, and so the district boards may not be very anxious to organize as many panchayats as possible. In fact that was the very charge against the taluk boards; and now since the district boards are to be in the position of the taluk boards, it is reasonable to think that

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the district boards too would act in a similar way. So to avoid that the responsibility of organizing the panchayats must continue to be in the Government, and the district board should be given the power of supervision only. So, Sir, I am opposed to the suggestion of Mr. Ramalingam Chettiyar."

* The Hon. the RAJA OF BOBBILI:—"The intention of the amend-12-30
ment is only to make the meaning clear. It is felt that the word P.m.
'organization' must include the constitution of new panchayats also.
According to the Act it is the duty of the Government and it has been
delegated to the Inspector to undertake the work of constituting new
panchayats. So we have decided to move this amendment."

The amendment was put and carried.

Section 27-A (1) (iv).

* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"I beg to move the amendment standing in my name which runs as follows:—

'1. In sub-section (1) (iv) for the words "*specified by the Local Government*" substitute the word "*prescribed*".'

"The object of my amendment is clear. We do not want that the powers to be exercised by these bodies should be varied from time to time or from place to place. That is the only idea. The members must pass through the same stages as the rules which are going to be framed under the very same section with regard to election, etc. I am only adding that, instead of the Government specifying the functions that will have to be exercised by each standing committee as it is formed, the functions and the procedure may be mentioned in the rules made under sub-section 4. I do know that it will not completely satisfy some of us, because with reference to the framing of these rules different provisions are made in the Act. Under sections 199 and 200 the rules are made in two ways. Some of the rules are made by merely publishing them in the gazette and other rules are made by placing them before the House and getting the affirmative sanction. Of course it is for the Government to choose between the two classes of rules as to which of them should govern them with reference to the framing of rules under this section. I do not want to add anything with regard to that. It is for them to decide which is the form they are going to adopt.

"There are two ways of making the rules. As I said it is for the Government to choose which way they will adopt for the rules to be framed under this section, and which procedure they want to adopt. So I propose that the functions and procedure of these committees might be governed by rules instead of by orders issued on each occasion which may be revoked or modified by the Government."

Mr. SAMI VENKATACHALAM CHETTI:—"I second it."

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* The Hon. the RAJA OF BOBBILI:—"Statutory committees are going to be appointed for the first time. As it is necessary, until we gain sufficient experience, to make certain changes in the details, it has been found desirable to use the word 'specified.' Another point is that if the procedure contemplated under this amendment is adopted, it will take about two to three months to bring the rules into force and there will be further delay in constituting standing committees. I therefore consider that it will be only delaying matters, because the rules have to be published, then objections have to be invited and then final orders have to be passed. All this will take a very long time and the Government are very anxious to see that as soon as the new Act is brought into force, these statutory committees should begin to function at as early a date as possible. I therefore oppose this amendment."

* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, what is the scope of the amendment? The manner of election will have to be settled by the rules framed under sub-section (iv) and the functions come in only after the election. Even before the elections, the rules have to be framed. So the time taken for framing the rules would not in any way affect the functions that are going to be exercised by the committee which can function only after the election. The election has to come in before the exercise of functions by the committees. I fear the Hon. the Minister has not perhaps correctly understood me. Under sub-section (iv) he himself provides for the framing of rules for election. The rules have to be framed specifying the manner in which the committees have to be constituted. In the very same rules he can very well say what are the functions of those committees. I hope there will be no objection for him to adopt such a procedure. Sub-section (4) of the proposed new section 27-A says—

'(4) Subject as aforesaid provision may be made by rules under this Act for—

(i) the manner of election of members of a standing committee by the district board;

(ii) the manner in which the presidents of panchayats may be co-opted to the standing committee, etc. . . .

(iv) the term of office of the members and the chairman of the standing committees.'

"I will only add to the above the functions of the standing committee as a matter which may be prescribed by rules. I am not saying anything more."

* The Hon. the RAJA OF BOBBILI:—"So far as such rules are concerned, my difficulty is that as we are constituting the committees for the first time, it may be necessary for the Government to add or deduct the functions of these committees. Until we get experience and have these details settled, I feel it is unnecessary for the Government to go through the formalities prescribed by rules and inviting objections and so on. As far as the election rules are concerned, we have stated that they shall be framed under the rules. Until we gain experience,

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if we were to state that the functions of these committees will be defined by rules, then difficulty will arise as to what exactly will be the functions of the newly constituted committees in the beginning. So I oppose this amendment."

The amendment was put and lost.

* The Hon. the PRESIDENT:—"Mr. Muniswami Nayudu is not in his place . . ."

Mr. SAMI VENKATACHALAM CHETTI:—"May I with your permission move the amendment * of Mr. Muniswami Nayudu."

* The Hon. the PRESIDENT:—"The hon. Member cannot move it. He has not given notice of this amendment."

Mr. SAMI VENKATACHALAM CHETTI:—"There is precedent of allowing such amendments if the House also is willing to allow them."

* The Hon. the PRESIDENT:—"If the hon. Member had given notice of it at least this morning I could have waived formal notice of it and allowed him to move it. But he has not done so."

Mr. SAMI VENKATACHALAM CHETTI:—"Till this morning I was unaware that Mr. Muniswami Nayudu would be unavoidably absent. I understand he is ill and therefore he is unable to move his amendment. You know, Sir, what authority he is to speak on these matters. We would be indeed sorry and the House also will feel sorry if the amendments given notice of by him are not moved."

* The Hon. the PRESIDENT:—"I quite see the difficulty, but the hon. Member had ample time to give notice of those amendments. But I cannot allow him to move those amendments."

Mr. SAMI VENKATACHALAM CHETTI:—"May I give notice of them now? I want you, Sir, to exercise your prerogative suspending the Standing Orders especially with regard to these amendments given notice of by Mr. Muniswami Nayudu in which the House seems to be interested."

* The Hon. the PRESIDENT:—"I have already said that I was quite ready to exercise my prerogative. The hon. Member has not given notice of those amendments."

Mr. SAMI VENKATACHALAM CHETTI:—"Now I shall soon give notice of them."

* The Hon. the PRESIDENT:—"All right. I shall await the notice."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—

"In sub-section (1) of section 27-A, after the words and figures '(iv) works and communications' add the following '(v) taxation and finance.'"

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* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I beg to move the following amendment:—

"In Sub-section (3), in lines 6 to 11, delete the words "and of the remaining members not less than . . . elected" and insert in its place the following:—

"and the other members shall be elected by the district board, not less than two-thirds of the total number shall be members of the board."

"The object is this; as proposed by the Select Committee, non-members who may be about one-third of the standing committee may be co-opted. These non-members will be co-opted by the members elected by the district board to the standing committee, namely, six or four whatever it may be. I think it will be better if the members of the district board as a whole elect these outsiders also. There we will have a better chance of getting men suitable to the whole district. It is not always safe to leave the co-option of the one-third of the committee in the hands of the remaining two-thirds of the committee. If there is difference of opinion, there will be factions formed and there will be trouble later on. To avoid that, it is better if the members are elected by the district board itself. It will be conducive to the proper working of the committees and for securing proper representation."

MR. ABDUL HAMEED KHAN:—"I second it."

* Rao Bahadur A. T. PANNIRSELVAM:—"Sir, with regard to the amendment just moved, I find that the word 'elected' occur in two places in the sub-section. I should like to know which is the one the hon. Member refers to. If the hon. Member refers to the first word 'elected,' the sub-section would read as follows:—

'and the remaining members shall be elected by the district board, not less than two-thirds of the total number shall be members of the board, by the members of the district board from among themselves'."

DR. P. SUBBARAYAN:—"I would suggest that the amendment may be worded as follows:—'and the other members shall be elected by the district board, two-thirds of the total number being members of the district board'."

MR. K. KOTI REDDI:—"Sir, may I make a suggestion to you, Sir? Since a large number of amendments similar to one another have been given notice of, I wish to know whether it would not be better if all the amendments are moved, the whole discussion allowed and if voting is taken on all the amendments one by one later on."

* The Hon. the RAJA OF BOBBILI:—"We may take one amendment after another; if one amendment is accepted, there will be no need to move similar amendments."

* The Hon. the PRESIDENT:—"The amendments are a little different from one another; if all the amendments are moved and discussed, it will be possible to put them one by one, leaving out those that had already been voted upon."

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* The Hon. the RAJA OF BOBBILI:—" I have got one doubt about this amendment. With regard to the co-option of outsiders, I wish to know whether the district board has got discretion to elect one-third or less than one-third. The proportion should be fixed definitely."

Dr. P. SUBBARAYAN:—" We may say that one-third of the members of the committee may be outsiders."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—" If we take away the words ' not less than ' it will be quite all right. Instead of saying ' not less than two-thirds,' if we say ' two-thirds shall be members of the district board ' we would fix the proportion mentioned by the Hon. the Chief Minister."

Dr. P. SUBBARAYAN:—" My point is this. If you want two-thirds of the members should be members of the district board, there is no need to mention it. If one-third of the members are to be outsiders, it naturally follows that the other two-thirds shall be members of the district board."

* The Hon. the PRESIDENT:—" It is all the same if we say that two-thirds shall be members of the district board or that one-third shall be outsiders."

Dr. P. SUBBARAYAN:—" May I ask the Hon. the Chief Minister whether his intention is that the power of election of members of the district board to the standing committees should be so restricted that they should elect only two-thirds of the members of the district board and not more? "

* The Hon. the RAJA OF BOBBILI:—" I think the intention of the amendment of the Select Committee is that non-members on the committee shall be one-third—neither more or less than one-third. The number of outsiders should be exactly one-third of the members of the committee."

* The Hon. the PRESIDENT:—" The amendment of Mr. Ramalingam Chettiyar will be as follows:—" and the other members shall be elected by the district board, two-thirds of the total number being members of the board '."

* Mr. A. RANGANATHA MUDALIYAR:—" Sir, I beg to move the following amendment:—

" In sub-section (3) omit all the words from " of the remaining " to " members of the district board " and substitute the following:—

" the remaining members of whom not less than two-thirds shall be members of the district board, shall be elected by the members of the district board. Each standing committee shall elect its own chairman from among its members who are members of the district board '."

" It will probably do well to enumerate the points in which my amendment differs from the main proposition put forward by the

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Government. In the first instance, I am suggesting that at least two-thirds shall be members of the district board; I am not saying that the remaining one-third should necessarily be all outsiders. I leave it to the committee to decide how many of this one-third should be outsiders. For example in the district educational committee, I think the Government may be satisfied with having the district educational officer only, as the outside member of that committee. The other committees may probably require the full strength of one-third to be composed of outside people. So, I am not suggesting what proportion in excess of the two-thirds should or should not be from outside the body of the district board members.

“The second thing I suggest is that, instead of leaving the few elected members of the district board to choose their colleagues in any manner they like, the power should vest in the whole district board. In that case I submit there is a chance of wiser selections being made than otherwise. When once the whole district board concerns itself with the selection of these outsiders, I think it is not fair to deprive them of the right to take part in the deliberations of the committee or to exercise their votes. Having proved themselves to be in possession of the confidence of a majority of the members of the district board on the committee, and so secured a place the members outside should be allowed to exercise their vote in committee meetings. Fourthly, in the case of Panchayat Committees, the choice need not be restricted to the Presidents of Panchayats only. These are the four points in which my amendment differs from others. I have allowed the provision to remain that the chairman of the committee shall be a member of the district board. My reason is this; the member of the district board can and is likely to attend all the meetings of the district board and he will be in touch with its administration in all departments, so to speak, whereas a co-opted member may attend the meetings only of his committee once in a way and may not know all that may be taking place in the district board meeting or other committee meetings. I think that in the interests of the committee, it is better that the chairman of the committee should be a member of the district board.”

MR. P. V. KRISHNAYYA CHOUDARI:—“I second the amendment, Sir. What we have provided for is that the members of the district board should elect two-thirds of the members of every statutory committee. What my hon. Friend wants is that the remaining one-third of the members of the committee should be elected by the district board members, because they belong to several parts of the district. There is more justification for the election of co-opted members by the district board members than by election by four or five individuals of the committee.

“But I am not in favour of the latter portion of the amendment, that the non-member should have the power to vote. I am in entire agreement with the hon. Member that the non-members should be

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elected by the district board members and not co-opted by the members of the committees."

Mr. P. PEDDI RAJU:—"My hon. Friend wants to substitute for the last sentence of the amendment proposed, the amendment that is in the Bill before the House, namely, that each standing committee shall elect its own chairman."

* Rao Bahadur A. T. PANNIRSELVAM:—"Sir, what the hon. 1 p.m. Member has stated has raised a doubt in my mind as to who should fix the proportion of members and non-members. He seems to suggest that the Government should fix the proportion of non-members. I am not able to find any provision anywhere, even by way of rules to be hereafter framed, by which the Government can take power to fix the proportion. As the Act now stands, it is the district board alone that can fix it. Then it comes to this. That the district board alone should have the option of saying if persons who are not members may be elected to the committee; but if it be our idea that it is to be an obligation on the district board to elect non-members to the committee, it seems to me that the matter is not clear in the Bill. If it is going to be an obligation, then alone the question of proportion arises. The amendment as moved by my friend, Mr. Ranganatha Mudaliyar, comes to this, that the district board shall have the option of co-opting or rather of electing non-members to the committee, provided that the proportion so elected shall not exceed one-third of the total number in the committee. We should like to know what the Hon. the Chief Minister has got to say on the point, whether the option is to be left to the Board or whether we should impose a restriction ourselves."

*Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, I rise to move the amendment that stands in my name:

'In sub-section (3), lines 6 to 11, for the words "and of the remaining members . . . so elected," substitute the following:—

"And the other members shall be elected by the district board; not less than two-thirds of the total number shall be members of the district board and at least one shall be from among the presidents of panchayats in the district"."

This is an improvement on the amendment moved by my hon. Friend, Mr. Ramalingam Chettiyar. Since he has stated that not less than two-thirds of the strength shall be district board members, it may be that the whole of the statutory committee may consist of the district board members elected by them. I thought it could be improved in this way, that at least the presidents of panchayats may be given a chance. With regard to the Rural Development Committee, I have given another amendment, and I shall move it in due course; but in the

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constitution of other committees, I think that the presidents of panchayats should have a place in these committees also. The committees have to deal with elementary education, public health and other matters in which the panchayats are very much interested; and as the object of the amending Act is to improve the position of the panchayats, I think it is better and advisable to have the panchayat presidents to occupy a place in all these committees so that they may be enabled to take part in questions relating to the consideration of vital matters that concern their villages. Sir, I beg to move my said amendment."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"I second it."

Mr. ABDUL HAMEED KHAN:—"Sir, I move the amendment that stands in my name:

'For the words in lines 9 to 11 "and the rest shall be co-opted by the said president and the members so elected" substitute the words "and not more than one-third only to be co-opted from outside".'

Sir, with my amendment, the clause would read as follows:—

'And of the remaining members not less than two-thirds shall be elected by the members of the district board from among themselves, and not more than one-third only to be co-opted from outside.'

The object of the Select Committee in amending this clause seems to be that two-thirds of the members of the standing committee should be elected by the district board itself and the remaining one-third should be co-opted by the committee so elected. The object of my amendment is to make it possible for the district board itself to elect all the members of the committee, two-thirds of whom should be members of the district board and the remaining one-third should be co-opted from outside. I am afraid, Sir, there is some confusion with regard to the interpretation of the words 'co-option' and 'election.' I thought in all legislation, the word 'co-option' is used to mean co-option from outside the body itself. (Rao Bahadur A. T. Pannirselvam: 'Co-opt' means 'add to yourself.') By my amendment, what I seek to do is to see that two-thirds of the members of the Standing Committee should be members of the district board and the other third should be elected by the district board itself from outside. I used the word 'not more than one-third only' in order to obviate any difficulty that may arise. If we fix one-third and if the total number is seven, or eight or ten, it would be very difficult to adhere to a third being elected. There will be the difficulty of fractions. For that reason, I suggest that the number should not be more than a third, so that we can adjust the proportion and get over the trouble in regard to fractions."

Mr. G. R. PREMAYYA:—"I second it."

* Mr. M. DEVADASAN:—"Mr. President, Sir, I beg to move the amendment that stands in my name:

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'In sub-section (3), for the words "and the rest shall be co-opted by the said president and the members so elected" substitute the following:—"The rest being co-opted from among the members of the minority communities such as Adi-Dravidas and Indian Christians".'

Sir, I may be considered too selfish or communal in bringing up a motion of this kind, but the conditions obtaining in the mufassal require that a provision of this kind should be inserted in the Bill. Members of taluk boards will cease to be such once this Bill is put into operation, and some members of the depressed classes who became members of taluk boards by reservation will cease to be members. It would be difficult for them to get into any standing committee. In order to meet such a contingency, it is absolutely necessary that there should be some safeguard so as to enable the members of the minority communities to sit on the committee. Local self-governing institutions are not doing their functions always in the interests of all classes of people including the minorities; and I may be pardoned for saying that self-government is a form of selfish government. If the amendment which I have moved is accepted, then it would not come into conflict with the provisions following it. Then in that case I would be content to extend the amendment to the committees and refer to (1), (3) and (4) of section 27-A of the Bill. Sir, I move my amendment."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, I have very great pleasure in seconding the amendment moved by my hon. Friend, Mr. Devadasan. The original Act of 1920, provided for compulsory reservation for the representation of minority communities, but now according to this Bill, all such reservation will go. It may be argued that when all the other communities have agreed to go out, as a result of the abolition of the taluk boards themselves, why our community alone should have special representation. I will answer that question by saying that we came to have special representation only very lately, and there must be some sympathy shown to us, to enable us to go to these standing committees wherein we can do some real service to the people."

* The Hon. the PRESIDENT:—"All the amendments relating to the fixing of the proportion of members of the district board on these committees have been moved and seconded. They are all for the discussion of the House. (Mr. K. Koti Reddi: There is my amendment, Sir.) Mr. Koti Reddi's amendment deals with a different subject altogether. That might be taken up separately after this question is disposed of."

* The Hon. the PRESIDENT:—"The Hon. the Raja of Bobbili."

* The Hon. the RAJA OF BOBBILI:—"Before I am called upon to express the views of the Government, I should like to hear the opinions of hon. Members from all sides of the House."

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Mr. K. KOTI REDDI:—"Mr. President, I am afraid that in abolishing the taluk boards and entrusting all the functions hitherto performed by them to the district board, unless the Council gives power to outsiders of a certain number, wherever they are available, to come in, we would be going in the wrong track. I believe that election of standing committees for the performance of certain specific functions of bigger bodies has become almost a universal practice in every country. In England, in Scotland and in Ireland, there are such committees. It was felt in those countries that there were certain functions which might be very easily performed by a smaller committee elected by the bigger body. In this country also I find that in other Provinces, there are similar provisions for the election of smaller bodies to perform functions specifically allotted to them at the time those bodies were brought into existence. It seems to me, Sir, that we have made a very proper provision in allowing, wherever they are available, non-members also to come in and help these committees.

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p.m.

"If hon. Members will remember that in elections to local boards, even educated men who have played some part in a bigger atmosphere, often find it very difficult to contest elections in a smaller circle against those who have been concentrating themselves in those areas. As a matter of fact, I have often heard that when some members of the Legislative Council themselves wanted to contest elections in a taluk board or a district board and try to render some service, the answer that they generally got from the electorate was, 'Are you going to deprive us even this little thing when you are occupying big places' and so on; and it also seems to me quite reasonable in a sense. At the same time, there are people who, though occupying bigger positions and whose services would be available to the district boards, have no chance of entering them and I see absolutely no reason why the district boards should not be given the option to elect if they like such persons to be members of the district boards. Some of these persons may take vast interest and even much more interest than the presidents of district boards themselves. In some districts, the presidents of district boards do not find the time or the energy to perform all the functions entrusted to them. When such is the case, where the functions are divided and where outsiders also can come in, I see no reason why those opportunities should not be given to such outsiders. As long as you require a provision for a non-member to come in, to deprive him of the power of voting and to deprive him of the possibility of being elected as chairman, would, it seems to me, be a wrong policy. Why should a non-official come and take part in the discussion, render some service and in the course of performing the functions entrusted to the committee—if he is suspected, as I have stated in my minute of dissent—he is not allowed to vote? It is really not a proper thing. The best thing, if the Council thinks fit, is, if no outsiders are required, not to allow any of them at all; and no provision need be made further. When once you believe that it would be better in the interests of the

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district board if persons, who have interest and enthusiasm to work, and are willing to render service, should be allowed to come in, you should treat them properly. If this Council were to say, that no outsider should vote or be chairman, it seems to me, Sir, no self-respecting non-official on those conditions would come forward and serve on such a committee. Nowhere in the constitution of such committees, there is such a provision as this. If Government are aware of any such provision, I shall be glad to be corrected.

“ This Council has to consider a number of questions in connexion with this before they vote on any particular amendment. The main question, I believe, is whether outsiders should come in or not. Personally, I am of opinion, that things as they are, apart from the difficulties of even educated and experienced men from getting into these local boards, there may be some people—take for instance my hon. Friend, Diwan Bahadur B. Muniswami Nayudu, a gentleman who has actual experience of local board administration, now he is out of the Treasury Bench, probably he may be willing to render service to the district board—and to deprive such people the chance of becoming chairmen and to deprive them of their vote—it is really unthinkable. The best thing is to retain the provision as it exists at present. If any district boards are not willing to take outsiders, let them not do so but if any think that the services of outsiders would be useful, it is for them to elect such men. If Government want to insist on one-third outsiders, even the district boards won't be willing to delegate much of their powers, and if the choice is left to the district boards, they may bring in outsiders and they will also be quite glad to entrust them with some of the powers. The amendment of my hon. Friend, Mr. Ramalingam Chettiyar, namely, that the whole district board should elect the members of the standing committee including outsiders, is a much better provision, in which case the district boards will not have suspicion on outsiders and they may elect people out of their free will; and thus the functions of the board will be performed to their satisfaction. If the whole district board elects its committees, there is less chance of the district board interfering with the resolutions passed by the outsiders forced into the committees.

“ Then, we shall have to consider whether the whole district board should elect co-opted members or only the committee elected by the district board should elect co-opted members. In this matter I feel strongly that so long as this Council considers that in certain cases they can get outsiders who can perform the functions with credit and with zeal, it is necessary that these people are not deprived of the power of voting or of becoming chairmen of these committees. If you are suspicious, let the option be given to the district board not to have two-thirds and if the district board chooses and is willing to take the services of such men, it will certainly exercise their option whether to admit them as co-opted members or not.

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“ We have also to consider another aspect of the question and that is, why the district board or the Council should feel suspicious of outsiders. For instance, take the case of education, a subject on which most of the funds of the local boards is directly or indirectly utilized. A major portion of such funds comes from Government itself. When such is the case, why should the district board say, ‘ I am here and I do not allow anybody else to have anything to do with the matter.’ In many districts, it is well known there are people with experience who have been taking part, particularly in elementary education and in developing panchayats. It is therefore possible that in these two spheres, it is quite possible to get the help of outsiders wherever they are available and if the district board concerned is willing to take their services. I therefore do not see why a distinction should be made in the matter of the standing committee for rural development and the standing committees for performing other functions. Is it due to the fact that presidents of panchayats alone have been taking interest in the development of rural areas? As a matter of fact, Government are aware of the fact that hitherto they have been appointing honorary organizers of panchayats. Can you not find one of such people whose services will be valuable in a committee on rural development? The provision made by the Select Committee deprives opportunities for such persons. I personally would be quite unwilling to make any provision of that sort. It is better to make some compulsory provision by which the president of the panchayat should be on the rural development committee or at least one of them to be on such a committee. They will be probably in a better position to safeguard the interests of the presidents of panchayats. This will give a chance to honorary organizers of panchayats and such other people who have been and are willing to take part, to do some service to the people at large.”

* The Hon. the PRESIDENT:—“ I am afraid the hon. Member has repeated his arguments more than thrice. The House will now adjourn and meet again at 2-30 p.m.”

After Lunch (2-30 p.m.)

* The Hon. the RAJA OF BOBBILI:—“ Sir, we have attempted to draft an amendment which I hope will command the largest amount of support in the Council. I beg to move this amendment which runs thus:

‘ Substitute the following for clause 11 (3) of section 27-A :—

“ (3) (a) Each of the standing committees referred to in sub-sections (1) and (2) shall consist of such number of members as may be specified by the Local Government, of whom the president of the district board

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shall ex officio be one and the remaining members shall be elected by the members of the district board from among themselves and from among persons who are not members of the district boards in such proportion as the Local Government may direct:

Provided that the number of members of a committee who are not members of the district board shall not exceed one-third of the total number of members of the committee.

Provided further that in the case of the standing committee for rural development the members who are not members of the district board shall be elected from among the presidents of the panchayats in the district.

(b) *The members of a standing committee who are not members of the district board shall have the right to attend the meetings of the standing committee and take part in the discussions thereat, but, except in the case of the standing committee for rural development, they shall not have the right to vote at such meetings.*

(c) *Each standing committee shall elect its own chairman from among its members who are members of the district board."*

Mr. E. CONRAN SMITH:—"I second it."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Mr. President, Sir, in the Bill the proportion of members to be elected is fixed at two-thirds, whereas under this amendment power is taken by the Government to fix the proportion. The proportion was fixed in the case of outside members so as not to exceed one-third. In the amendment it is said that it is to be not less than one-third, so that the elected members may be more and the co-opted members may be less. Another improvement is that in place of 'chosen,' the word 'elected' has been put in. These are the main changes made."

* Rao Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, as long as the Hon. the Raja of Bobbili has moved an amendment, I cannot but support it. But the original word 'co-opt,' I think, Sir, was advisedly put. The word 'outsiders' was put in, I believe, to get into the board experts and not anybody and everybody. 'Co-opt' is the only word to be used for such an action. As it is, the District Health Officer is there, he may be co-opted, or the District Board Engineer or the Executive Engineer. I do not mean that a number of experts are to be placed before the board and one to be elected from among them. 'Co-opt' would mean, co-opting health

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experts, engineering experts and so on. So, Sir, I submit the original thing is right. The amendments given by Mr. A. Ranganatha Mudaliyar and others are towards co-opting experts."

Mr. P. PEDDI RAJU:—"Sir, so far as the first portion of the amendment is concerned, the Raja of Bobbili has drafted the amendment according to the wishes of the other Members concerned and I think Mr. Natesa Mudaliyar is wrong in thinking that election is put in for co-option at the request of a large section of the House. Perhaps Mr. Natesa Mudaliyar does not agree with it. But there is a certain difficulty in this matter in regard to the latter portion. The question is whether the co-opted members or the members from outside the district board should have the right to vote or not. I would therefore like the following portion to be omitted from clause (b) of the amendment now moved: 'but except in the case of the standing committees for rural development,' and also that the word 'not' at the end of this sub-clause (b) be omitted. So that the clause as thus amended by me will mean that in the case of all standing committees, the members who are elected either from the board or from outside will have the right to vote. My point is not that these people have got a right to exercise or anything of the sort, but you cannot expect the right sort of men to come and serve on these committees unless they have the right to vote. Practically as the Bill stands now, it will come to this, that the committee or the board will have to take officials. Otherwise no man with any responsibility or standing will come and sit there and give advice and walk away. So I propose my amendment to the amendment moved by the Hon. the Raja of Bobbili, namely—

'In clause (b) of the amendment, omit the words "but except in the case of the standing committees for rural development" and the word "not" at the end.'"

Mr. ABDUL HAMEED KHAN:—"Mr. President, Sir, I second the amendment moved by Mr. Peddi Raju. Originally under the amended portion of section 3 as we find in the report it was sought to have these outsiders co-opted by the members of the committee themselves. The object of the framers of the Bill evidently was that they should get the services of experts from time to time. And it was with that object I dare say that this co-option was introduced. If that was the object, I can understand the retention of the original part of that section. But having amended that section with a view to give the power of election to the whole board, of these gentlemen who otherwise would have been co-opted by the committee itself, I fail to see what purpose will be served by giving these gentlemen only the dignified position of attending meetings, discussing matters and then standing out at the time of voting. As has been pointed out by the Mover of the amendment, I believe, no honourable gentleman worth the name or whose services will be of any avail to the committee will avail himself

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of this opportunity of helping the committee in a position of an untouchable in the committee. If it is the purpose of this committee that this co-option should serve the object in view, then I believe it is necessary that the power of voting also should be conceded to the members who are elected from outside. As has been pointed out this morning by my hon. Friend, Mr. Koti Reddi, the expert officials of the Government like the health officer, or the engineer or any other officer whose services may be found necessary from time to time by the various committees and could under the original Bill be co-opted for particular purposes are not likely to be there. It is only election of persons who will be more or less occupying the position of such gentlemen whose advice, mature judgment and experience will be of great service to the committee, that will be of advantage. It is only such gentlemen who instead of seeking election to the district board are likely to be co-opted to the various committees which alone will function and which will be more or less the executive of the district board for the various subjects in which they are competent, who will be useful as experts. I believe their experience and knowledge will be very useful to the district board, if they can influence the vote of the committee on questions of importance. They will certainly not be able to influence the vote of the committee on questions of importance unless they themselves have a right to vote. Therefore, I believe, Sir, it will serve no purpose to have mere dummies as co-opted members on these various committees without a right to vote and influence the decision and judgment of various questions of importance that may come up before the committee from time to time. I have therefore great pleasure in seconding this amendment."

* The Hon. the PRESIDENT:—"Before we proceed further, I wish 2-45
to know the opinions of Messrs. Ramalingam Chettiyar, Ranganatha P.m.
Mudaliyar and Nachiyappa Gounder about their amendments."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"In view of the amendment of the Government, they will be dropped."

Mr. A. RANGANATHA MUDALIYAR:—"The amendment now proposed by the Chief Minister is one that has been arrived after general consultation of the various parties in the House. So far as I am concerned, I need not assure what my views are in regard to this matter. But having once sat down and arrived at this, I do not think it will be open to me to open the question once again. I would appeal to Mr. Peddi Raju also not to proceed with the amendment."

Mr. K. A. NACHİYAPPA GOUNDER:—"I wanted that representation should be given to the panchayat presidents in every committee also. Since the agreed amendment has been put, I have no objection to withdraw my amendment."

The amendments of Messrs. Ramalingam Chettiyar, Ranganatha Mudaliyar and Nachiyappa Gounder, were, by leave, withdrawn.

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* The Hon. the PRESIDENT:—"I will therefore for the convenience of the House, if it so desires, put the first portion of the amendment to the vote of the House and allow the second for the discussion of the House. I think the House is agreed upon that. The question is:

'(3) (a) Each of the standing committees referred to in sub-sections (1) and (2) shall consist of such number of members as may be specified by the Local Government, of whom the president of the district board shall *ex officio* be one and the remaining members shall be elected by the members of the district board from among themselves and from among persons who are not members of the district board, in such proportion as the Local Government may direct:

Provided that the number of members of a committee who are not members of the district board shall not exceed one-third of the total number of members of the committee:

Provided further that in the case of the standing committee for rural development the members who are not members of the district board shall be elected from among the presidents of the panchayats in the district.' "

Mr. K. KOTI REDDI:—"With regard to the last proviso, there is my amendment, Sir."

* The Hon. the PRESIDENT:—"I think a broader provision is made in this amendment than what the hon. Member wishes to make. He wants at least one, but here all are to be elected from the panchayats of the district."

Mr. K. KOTI REDDI:—"The others may or may not be from the panchayats, while insisting on a minimum of one, there may be chance for others also."

* The Hon. the PRESIDENT:—"I think the House has already agreed that I should put the first part of the amendment to the vote of the House."

The amendment was put and carried.

* The Hon. the PRESIDENT:—"Sub-clause (3) (b) is for the consideration of the House. Mr. Peddi Raju's amendment, namely, 'delete the words: "but except in the case of the standing committee for rural development" and the word "not" is now for discussion.' "

* The Hon. the RAJA OF BOBBILI:—"I wish to oppose the amendment. This question has been thrashed out at great length, this morning, and during the luncheon interval. We have drafted this amendment which, I believe, represents the largest amount of agreement on the matter. Of course, what is felt as an objection to

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the amendment is that the district board members who go through the ordeal and trouble of election should not be placed in the same position in danger of being swamped by members from outside. Some of these committees really do the work of the district boards. As regards the rural panchayat committee, which is entrusted with the development of rural areas, they have stated that the election should be confined to the panchayat presidents who should have a right of vote. It has been stated that without the right of voting, it will not be possible to find any members on these bodies. I do not think it will be found correct in practice. But if for any reason we find there is any difficulty, then gaining some experience, we can consider the question of any further changes. I therefore oppose the amendment."

* Sriman M. G. PATNAIK Mahasayo:—" Mr. President, Sir, the question may be considered from two standpoints. The first is that only persons in the service of the local boards are taken as co-opted or elected members. In that case, there may be some difficulty. There is some provision which states that the employees may be called upon to address the House, but they should not take part otherwise. In such cases, it would be absolutely unnecessary that those people should be co-opted as members. That means that only non-officials who are not in the service of the board can take part. Then the question arises whether it is desirable to have persons in Government service taken in as members. I would say there also there will be the question that they would address and offer their opinion in the meetings of the standing committees, but should not vote. Probably Government have that in view in saying that these members may be taken as members but they should not vote. But in the case of the non-officials, once they are co-opted as members, do you think it desirable that these persons should take part in the deliberations, but at the time of voting they must walk out? I think, it is very very undesirable. However, many persons do not think of taking part in such deliberations and really if you do not want the assistance of such non-official members, in that case there is absolutely no reason why there should be this provision. Moreover as the majority of members would be members of district boards, I do not see how they can swamp the other members. So, if you think that the advice of such non-members is necessary, one would not be justified in saying that such members merely take part in offering advice and then walk out. Moreover, they are persons who command the confidence of the people; because they are elected by the members of the district boards. In such a case, there is no reason why they should be distrusted. I cannot see how, if some members who have come by election should have a right of voting, a person elected by the district board should not have that power. That distinction should not be lost sight of. I think it will be a very very invidious distinction, if you think that the advice or assistance of such non-members of district boards would be useful to the work of the standing committee. Moreover, we see in

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the Council certain experts are admitted as members and they are allowed to vote. It is nomination in both cases here the Government nominate and there the boards nominate. Why should not they take part and if necessary vote? They need not take part in all the proceedings. Their participation may be restricted to certain periods and to particular purposes. But to say that a man should come and offer advice and then run away is not correct."

The KUMARARAJA OF CHETTINAD:—"I beg to move that the question be now put."

* The Hon. the PRESIDENT:—"I will now put the amendment of Mr. Peddi Raju to the vote of the House. In clause (b) *omit* the words from 'but' to 'not' and *add* the word 'and' before 'have.' Then it will read like this: 'the members of a standing committee who are not members of the district board shall not have the right to attend meetings of standing committees and take part in the discussions thereat and have a right to vote at such meetings.'"

The amendment was lost.

* The Hon. the PRESIDENT:—"I shall now put the second part of the Hon. the Chief Minister's amendment to vote. The question is:

'(b) The members of a standing committee who are not members of the district board shall have the right to attend the meetings of the standing committee and take part in the discussions thereat; but, except in the case of the standing committee for rural development, they shall not have the right to vote at such meetings.'"

The amendment was carried.

Mr. P. PEDDI RAJU:—"There is no doubt one amendment in my name. It says that the right of election should not be restricted to members of the board. In view of the decision on the previous amendment, I do not think I need move it."

Mr. ABDUL HAMEED KHAN:—"I have got an amendment in my name and that is, *add* at the end the following:—

'*and such chairman shall not be the president of the district board. In the case of the standing committee for education the members so co-opted shall be the district educational officer and a deputy inspector of Muslim schools.*'"

3 p.m. * The Hon. the PRESIDENT:—"I may point out to the hon. Member that the question of co-option has been removed from this clause and therefore the amendment of the hon. Member would not fit in at all."

Mr. ABDUL HAMEED KHAN:—"If you will permit me, Sir, I will alter the amendment suitably."

* The Hon. the PRESIDENT:—"But the question has been already disposed of. I will put sub-clause (3) (c) to the vote of the House."

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[The President]

The question is: 'Each standing committee shall elect its own chairman from among its members who are members of the district board.' "

The amendment was carried.

The Hon. the RAJA OF BOBBILI:—"Sir, I have to move a consequential amendment in view of the amendment just carried by the House.

"Sir, I move—

'Omit sub-clause (4) (ii), viz., "the manner in which the presidents of panchayats may be co-opted to the standing committee;" and renumber the subsequent sub-clauses, and at the end of item (iv) as renumbered add the word "and." "'

Mr. E. CONRAN SMITH:—"I second the amendment."

The amendment was carried.

Mr. ABDUL HAMEED KHAN:—"Sir, before you put this amended clause to vote, in view of the fact that you allowed us to come to some agreement on the amendments tabled and also in view of the fact that some different amendments have been proposed, I would request you to permit me to move to sub-clause 4 (iii) renumbered as (ii) an amendment to the effect that the presidents of district boards shall not be chairmen of standing committees."

The Hon. the PRESIDENT:—"I think the amendment can aptly be moved under sub-clause (4) (iii). He may move it."

Mr. ABDUL HAMEED KHAN:—"Sir, I move that under sub-clause (4) (iii) the following words may be added:—

'Provided the president of the district board shall not be the chairman of the standing committee.'

I move it with a view to prevent the committee electing the president himself as its chairman. As it obtains elsewhere, even in the Madras Corporation under the City Municipal Act, standing committees are there of which the president is only an ex-officio member and not the chairman of any of the committees. It will be difficult for the president himself to serve as chairman of these various committees and also function as president. In order to divide the work among the various members so as to make them take responsibility for the affairs of their committees, I have moved this amendment and I hope that the Government would accept it."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

* Rao Bahadur A. T. PANNIRSELVAM:—"I oppose the amendment for this reason, Sir. The only argument which the hon. Mover has advanced in support of his amendment is that 'even under the City Municipal Act' the Mayor of the Corporation is not allowed to be the chairman of any standing committee and therefore no other body in the Province should permit it. That seems to me to be no reason at all for accepting his amendment. We certainly do not look up to the

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Corporation as a model for transacting our business. I am glad that the City Members have a very good opinion of themselves. But the case in the mufassal is different. I should like to point out to my hon. Friend that there is this difference between the Corporation and a district board president. The president of a district board is after all the executive head of the board. It seems to me, therefore, that if any particular committee desires to elect the president of the district board as its chairman, it is not for us to stand in the way. If you are going to put in this restriction, there is hardly any meaning in our saying that a president shall be ex-officio member of every committee that is constituted. You should give the privilege to the committees themselves to elect their own chairmen from among the members of the board irrespective of the fact of such a member being a president."

Mr. K. KOTI REDDI:—"Mr. President, Sir, the Council seems to be so suspicious of the members of the district board exercising their wisdom properly that my hon. Friend, Mr. Hameed Khan, wants to add another restriction. There are enough restrictions already. I trust that the Government would not accept this amendment."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"Sir, it is not desirable to adopt the Madras model. (A voice: 'Hear, hear.') Hon. Members belonging to the Corporation of Madras may not be aware that, so far as the mufassal boards are concerned, the members are drawn from the various parts of the district and that some of them may not be available at all at the district headquarters. It is very desirable therefore that the presidents of district boards should be chairmen of some at least of the committees. Things might get into disorder otherwise. There is one other circumstance which I may add in this connexion. Sir, in order to have continuity of policy also it is very desirable that the presidents of district boards should be available for the chairmanship of committees."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Mr. President, revised sub-clause (5) gives power to the district board to control the powers and functions of the standing committees. Under this clause the district board is given power to control the working of the standing committees. When such power is intended to be given to the board, it will be anomalous not to make the president eligible for the chairmanship of the committees. In my opinion, having given that power to the district board, we should not hesitate to make the president ex-officio president of the committee. I would go to that extreme length. If the district board is not to be given any supervisory control over the standing committee, the contention of the hon. Mover may be all right; but, so long as the district board is to be given supervisory control over the standing committees, I think the position

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of the president of the district board should not be made ridiculous by disqualifying him for election."

MR. SAMI VENKATACHALAM CHETTI:—"Sir, it is always the case that the sick man always dislikes the medicine prescribed by the doctors. It is in that view that I take the remarks of the rural members. It was not the intention of my hon. Colleague, Mr. Hameed Khan, to impose any restriction that is not liked by the presidents of the district boards in the performance of their duties. The amendment was moved only with a view to enlarge the usefulness of members composing the district boards. The only intention was to prevent the person who is the head of the executive administration monopolizing all the available places of usefulness. There must be enough scope for the other members of the committee to become as useful as the president of the district board is expected to be. Moreover, it was perhaps with the intention of relieving the presidents of a good deal of their work that these committees were considered necessary. By merely adding to the burden of the duties and responsibility of district board presidents—as that will be the result of making them chairmen of the standing committees also—we would not be carrying out our intention. If the choice is not restricted by eliminating the presidents of district boards, the likelihood is that they will try to become the chairmen of all standing committees proposed to be constituted under this Bill. There are three or four standing committees. Naturally the presidents of district boards would like to be chairmen of all the standing committees. Therefore, instead of being assisted by these committees, they will be practically ruling over them all. Sir, the intention of the Act, as I conceive it, is to allow the members of the district boards to be as useful as possible. By restricting the choice of chairmanship of the standing committees to persons who are not presidents of district boards, you are only availing yourself of the services of the other members of the district board. It is also conceded that, even in the matter of membership of standing committees, a member ought not to be a member of more than two standing committees. The object of this restriction must certainly be to make as many members as possible useful to the public. I do not know what ulterior reason there is to oppose a healthy amendment of this kind unless it be that the district board presidents want to grab every position of vantage. My hon. Friend, the Mover, has no other object than what I have mentioned. It is entirely left to the members of the district boards to accept this amendment or not. It is immaterial to the Members of the Corporation whether the district board presidents accept or reject this amendment.

"But it is not with the view that the City Corporation should be 3-15 made a model for the district boards to copy that I say this. As a P.m. matter of fact, if I should be asked what should be done in a matter like this, I would unhesitatingly say that the constitution of the district boards should be copied by the City Corporation. And as regards

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the presidents, I would say that the powers of the presidents of district boards should be made co-equal with the powers of the president of the Corporation."

* Rao Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, the members of the City Corporation do not arrogate to themselves all knowledge; they are only expressing their experience. They have tried this for the last so many months, and so they are only expressing what they feel on the matter for the benefit of this House. What they say is that the President of the Corporation, who is now called the Mayor, need not be the chairman of all committees. For the Mayor holds a very high position. In fact by his very high position he cannot come down to preside over a committee. (Laughter.) So what we do is to have a member of the Council, who has got experience in a particular subject elected to be the president of that committee. Similarly why cannot you do this in the mufassal? Moreover, there the president of the district board has so many duties to perform that he could scarcely find time to preside over these committees. As we want to lessen the burden of the presidents, we want to have as many standing committees set up as possible. This is one of the reasons. In these committees experts can be had to preside over; a medical man may be asked to preside over Health Committee; an engineer may be had to preside over a Works Committee. In the absence of any such man, you can as well have a member of the council having experience in municipal works. Similarly to preside over a health committee you can have the services of a medical man, or one well versed in that sphere. So when such a thing is possible what is the use of having the district board president to preside over each and every committee meeting, when he does not even find time for it and when he may not, sometimes even possess the sufficient experience? We have got experience of such things in our City Corporation and so we give the benefit of our experience to the Council. In the City Corporation the President, now Mayor, is ex officio member of every committee; he can attend every committee and get in touch with everything going on in the Corporation. So I request the district board president to copy the example of the Corporation. For these reasons, Sir, I support the amendment of Mr. Hameed Khan and finally, Sir, I have to support the Hon. Raja Sahib." (Laughter.)

Rao Bahadur Sir A. P. PATRO:—"Sir, we have heard the experience and considered wisdom of the Members representing the City Corporation. I wish to take this opportunity to explain my attitude so that I may escape any blame that may be levelled at me afterwards. (Laughter.) They are undoubtedly democrats. They are sincere and earnest in asking for representation by election. I do not say they are not sincere. They are sincere. They want election, they want representation. What is the principle of the Bill? The Bill says: 'Give an opportunity to the elected members to preside over committees, and have your considered wisdom tested on the free and independent vote

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of the members of the committee. But what does the amendment of Mr. Hameed Khan say? It says that the freedom and independence of the members of the committee should be curtailed; it says that such and such a person should not be the president of the committee. Is it democracy? These very members to-morrow will get up on platforms and say they want freedom and independence to vote as they like; they stand for democracy and so on. But here they are saying that they do not want to have presidents of committees elected from among themselves. Is this democracy? And yet most of them are members of the Corporation Council, the premier local self-government institution in the Presidency. What is it that this proposal says in this clause? I shall read it once more to the advantage of the House. It says:

‘Each standing committee shall elect its own chairman from among its members who are members of the district board.’

And what does the proviso suggested say? The proviso says that this freedom of choice shall be restricted, i.e., the president of the district board shall not be allowed to be elected. And what is the reason assigned for this? Very good reason indeed! Very democratic reason has been assigned! And that democratic reason is that he has already plenty of work to do, and so he should be saved from this additional work. I do not know if hon. Members who say this have any knowledge of the work of the presidents of the district boards in the mufassal. They have got work of various kinds always on hand and yet they are discharging their duties well. And how do they do this? They are assisted by many executive officers, mostly engaged in the work of administration. If you take the opinion of the members of the standing committees, you will find that it would be echoing only what I am now saying. So why deny the president of the privilege he rightly deserves, and why deprive the committee of its right? If the experience of some members is that the presidents of district boards would not be able to do justice to his work, by all means leave it to the discretion of the members of the board. Most of us who are elected representatives know well that our constituents know that we have too much work and yet our constituents know that in spite of that we would be representing them well, and so we are here. Finally, Sir, I am only sorry that Mr. Hameed Khan, of all persons, should have moved this amendment.”

* Dr. P. SUBBARAYAN:—“ Mr. President, Sir, though I am not myself in favour of the amendment moved by Mr. Hameed Khan, I was rather amused by the lucid lecture on democracy, which has just been delivered on the floor of this House. (Laughter.) Of course, other hon. Members of this House are as grateful as I am to the gallant Knight from Berhampur for his lucid lecture on democracy. In spite of that lecture I am not convinced that this amendment does cut right across the very root of democracy. On the other hand, I think it is democratic, in that it gives opportunities to gain experience to other members of the Council in the conduct of the work of the district board, and

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thus foster democracy, rather than curtail the right of democracy, as the gallant Knight from Berhampur would make us say. In spite of that I would request Mr. Hameed Khan not to press his motion, for the simple reason that even in the City Corporation as far as I know, in spite of the convention followed by the Corporation that the chairman of the standing committee is always elected, the Mayor, as the Act stands, can stand for the place of any chairman of standing committee."

* Mr. M. A. MUTHIAH CHETTIYAR:—"Mr. President, Sir, I only wish to say a few words on this amendment. We have heard the views of several members based on their experience. As the hon. the Leader of the Opposition said, there is no provision in the City Municipal Act preventing any member of the council becoming the chairman of a committee. A healthy convention has grown up for the election of a person other than the Mayor to the chairmanship of the standing committee. The Act provides that the President or the Mayor shall be ex officio member of every committee. He is there to watch the proceedings of the committees, to help the members with his advice and as he is a member of every standing committee to inform the members of one committee for their guidance whenever necessary of what took place in another committee on a particular matter. It is for this purpose that provision is made that the Mayor or the president shall be ex officio member of the standing committees. That being the case, I hope the presidents of the district boards also would establish a healthy convention by not taking up the chairmanship of any standing committee. After the discussion, I do not think we should have a definite clause prohibiting the president of a district board becoming chairman of any standing committee. I hope the presidents of district boards will set up a convention in not becoming chairmen of standing committees."

* The KUMARARAJA OF VENKATAGIRI:—"Mr. President, it is very rarely that I take part in the discussion, and I am very grateful to Mr. Hameed Khan for having provided the members of this House with an opportunity to amuse themselves and indulge in exchanging pleasantries. Rivalry in the field of sports, as observed by Mr. Jardine, is transcending communalism and becoming provincial. Similarly there appears to be a rivalry between the representatives of the Corporation of Madras and those from the mufassal. With regard to the observation made by Mr. Sami Venkatachalam Chetti that any medicine given by the physician is distasteful to the patient, I will merely observe that the patient has got as much right as any other person to choose his physician. Therefore, we from the mufassal claim the right to choose our president and also to choose those who are qualified enough to give us advice. My friend, Dr. Subbarayan, took Sir Patro to task for having lectured to us upon the principles of democracy. I fail to see on what democratic principle is his contention based to support this amendment especially when it seeks to place a fetter on the discretion of the board. Further I understand that there is no statutory provision which debars the

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Mayor of the Corporation from becoming chairman of the standing committees. Therefore, we, belonging to the district boards, certainly resent any attempt to place any such embargo on the district board presidents from taking the chairmanship of the standing committees. Further, Mr. Sami Venkatachalam Chetti observed that he was very considerate towards the presidents of district boards by remarking that they would not have sufficient time to attend to the various duties that will be placed on their shoulders. I am sure before they attempt to become chairmen of the various committees they will consult their own capacity and convenience to attend to those duties. After all the chairmanship of the committee is not higher in status than that of the president of district board. I entirely agree with my hon. Friend, the Kumararaja of Chettinad, in his desire that the district board presidents should set up a convention, viz., to give as many opportunities as possible to others for acquiring the art and capacity to regulate the proceedings of meetings. In these circumstances, I hope my hon. Friend, Mr. Hameed Khan, will withdraw his amendment. Let me also assure him that it is not with a view to avail ourselves, presidents of district boards, of as many opportunities as possible that we do not want this amendment but it is because we resent any attempt to interfere with the inherent rights of the district boards."

MR. ABDUL HAMEED KHAN:—"Sir, when I moved this harmless and humble amendment I did not anticipate that debaters of the standing of Sir Patro or the Kumararaja of Chettinad or the Kumararaja of Venkatagiri would take cudgels against me. Had I known this, I would not have moved this amendment which has caused so much sensation in the minds of some of the hon. Members of this House. When I moved this amendment, I least thought that it would affect the vested rights of the district board presidents. Had I known for a moment that this House contains district board presidents whose rights would be affected, I would have thought twice or thrice before moving such an amendment. One of the achievements of this debate seems to be that of the conversion of Sir Patro to the principles of democracy. The object of my amendment was to prevent monopolizing the chairmanship of the various standing committees that are going to be created under this amending Act. If it was the object of the framers of the Bill that the presidents of district boards should be chairmen of the various standing committees, I fail to see where is the need for constituting these standing committees. If one and the same person who carries on the duties of the president of a district board—incidentally I may say that he has more powers than the Mayor of the Corporation—were to be allowed to be the chairman of the various standing committees, I fail to see what purpose will be served by his presiding over the numerous standing committees. My object in moving this amendment was that there should be a division of labour. I thought that opportunities would be given to other members of district board to be chairmen of the standing committees and thus get themselves trained in this work.

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If I knew that our district boards are devoid of persons possessing the capacity to preside over standing committees, I would certainly not have brought forward this amendment. If hon. Members from various districts are of opinion that they cannot find more than one gentleman to preside over a district board or any standing committee, I agree with them that there is no justification in enabling members other than the presidents of district boards to become chairmen of these various committees. In view of the fact that the opinion expressed just now is not in favour of restriction, as they call it, with regard to the chairmanship of standing committees and in view of the fact that assurance has been given by such hon. Gentlemen that although there may not be statutory restriction with regard to the election of chairmen of various standing committees, it will be their endeavour to establish a convention to prevent district board presidents from becoming chairmen of standing committees and monopolizing the whole work, I beg leave to withdraw my amendment."

* MR. SAMI VENKATACHALAM CHETTI:—"Sir, with all due respect to those gentlemen who said that it is only by means of convention and not by statutory obligation that the President of the Corporation Council is not the chairman of the standing committee, I beg to submit that they entirely ignore section 19 of the City Municipal Act which reads thus:—

'19 (1) Each standing committee shall consist of seven members elected by the Council from its own number.'

"Then again section 28 reads:—

'The Council shall at its first meeting after the first day of November in each year elect one of its number to be its president and each standing committee shall at its first meeting after that date in each year elect one of its number to be its chairman.'

"So the president will become only the eighth member. He is not one of the seven members from whom alone the standing committee will be entitled to elect its chairman. I was so emphatic on the point because there has been no instance where the President of the Corporation has stood for election to the chairmanship of the standing committee, which would not have been the case, if this limitation was only by convention and not by statute."

The amendment was, by leave, withdrawn.

Clause 11—Section 27-A.

Sub-section (4).

The Hon. the RAJA OF BOBBILI:—"I beg to move the amendment standing in my name as follows:—

'Renumber sub-section (4) as sub-section (5) and insert the following as sub-section (4), namely:—

"(4) No member of the district board other than the president shall be a member of more than two standing committees at the same time."

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“Sir, the object of the amendment is quite plain. It follows the principle laid down in the City Municipal Act. I do not think it requires further explanation.”

Mr. E. CONRAN SMITH:—“I second it.”

The amendment was put and carried.

New section 27-B.

* Mr. A. RANGANATHA MUDALIYAR:—“Sir, I would request the earnest attention of the House to what I am going to say. I am moving for the addition of a new clause to this effect:—

‘Add the following as a new clause 27-B or a continuation of 27-A:—

“Notwithstanding anything contained in section 27-A a district board may with the previous approval of the Local Government appoint in the place of one or more of the committees referred to in clause 27-A (1) and (2) regional standing committees for the purpose of exercising such of its powers discharging such of its duties or performing such of its functions with reference to any or all of the matters referred to in clause 27-A (1) or any other matter or matters as may be specified by the Local Government. Sub-sections (3) and (4) of section 27-A shall, so far as may be, apply also to the constitution of the regional committee.”

“Sir, you will remember, that it has been pressed from the very beginning by hon. Members sitting on the different sides of this House that there should be members on the standing committee to represent specified areas, because of their knowledge of the local affairs. The same idea has been given expression to by my hon. Friend, Mr. Langley, in his minute of dissent. This is what he says:—

‘I am also of opinion that provision should be made for committees, in special circumstances, to be regional rather than functional in order to provide for the efficient administration of specially situated portions of districts such as the planting districts of the Anamalais and of the Shevaroyes.’

“My reason for submitting this amendment for the consideration of the House is that if each of these standing committees is for the whole district and for the discharge of a specific function, we are confronted with these difficulties: first of all, the committee will be far too unwieldy, in my opinion, to look after the affairs of the whole district. It may be allright with regard to the City Corporation to have standing committees each exercising a different function. But that is not a convenient arrangement for rural areas. What will happen in actual practice is if a member, let us say of the standing committee for roads and communications, goes and visits a village, he will naturally consider it his duty to attend only to communications and if he wants to look into any other affairs of the village, for example, the sanitation of the village,

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or the working of the panchayats, he will be precluded from doing so by the very terms of the constitution of his committee and the villagers may very well say 'it is none of your business to attend to the other activities of our village because we know that does not form part of the function of the committee of which you are a member.' So we shall be denying ourselves the services of willing workers, and denying opportunities to individual members who may be willing and who have time to go here and there and attend to more than one matter. Sir, if you appoint regional committees, I submit you will find the committees will be more representative than you are likely to find them to be if they are for the whole district. It is just possible—I do not say it will happen—that members of the district committees who come from particular areas may confine their interest to their own areas to the exclusion of other areas and probably to their disadvantage. If regional committees are appointed, I think it will have the effect of obviating the need which the Government may be tempted to assume to exist for dividing district into several districts for counting each of them into a district board.

3-45
p.m.

"If you have these regional committees, I submit they will be able to administer the affairs of the district with greater efficiency and it may not be necessary to divide one district board into several. These regional committees can easily discharge with its one or all the duties which the several district committees are expected to carry out in their several departments; they would be in a position to see that what they decide in one branch of their work is not in conflict or inconsistent with what they do elsewhere. Objection may be raised to my proposal on the ground of finance. I do not think that these regional committees are going to cost a pie more than what the district committees will cost. They will hold their meetings on the days of the district board meetings or on a day prior or later to it. You have a provision, if you like that the committee members may draw no travelling allowance or batta for attending their meetings, with the result that they will hold their meetings along with the district board meetings and carry on their business.

"My provision does not mean that the Government should appoint regional committees automatically for every district. It is open to them to do so in the special circumstances contemplated by Mr. Langley. The district board has to obtain the previous approval of the Local Government before a regional committee is constituted. I do not think undue advantage will be taken of this provision without the knowledge and approval of the Government. In the Select Committee it was mentioned that, so far as education is concerned, it is desirable to have a standing committee for the whole district, to have a single agency. But with regard to other matters you may have regional committees. I submit, Sir, that from any point of view, it seems to be desirable that the Government should have this power. They should have the option to do so, where circumstances require and where they are likely to be of benefit to the districts."

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* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"Sir, I second it. I find there is much force in what Mr. Ranganatha Mudaliyar says. He does not want to make it a statutory obligation on the Government to appoint regional committees immediately. If the district board thinks it necessary to have such a committee it has to obtain the previous sanction of the Government. Thus there is a double safeguard. Unless the Government is satisfied that such a committee is necessary, it will not come into existence. If both the Government and the district board concerned are satisfied that a regional committee is necessary, I do not think why it should be denied. To have one committee to be in charge of the whole district seems to be an impracticable proposition.

"As has been pointed out by my friend, in the matter of expenses also, I do not think it will cost more. Perhaps it may cost less. The amendment does not want to substitute regional committees in place of statutory standing committees in every case. Wherever it is necessary, it is contemplated that this provision should be used."

* The Hon. the RAJA OF BOBBILI:—"Sir, I have to oppose this amendment. Just now we are trying the experiment of having statutory committees for the district boards. Everybody wants to give a trial to the proposals in the draft Bill. It is too early to think of other alternatives. Moreover, my hon. Friend, Mr. Ranganatha Mudaliyar, seems to contemplate these committees being touring committees. As far as I can see, I think that is not the intention of the Select Committee. The hon. Member spoke of a member of a district board going to a village and finding himself that he has got to do with education, roads, etc. A member of a district board—whether he is a member of the committee or not—has got the right to interfere or interest himself in any matter connected with the district board. Moreover, as these committees are not expected to be touring committees, I fail to see how there will be great advantage in having these regional committees. In addition to that, I find that notices of amendments have been given to the effect that there should be a committee for each taluk; the ultimate result will be that there will be friction between the various committees and we will have to tackle the question of providing funds for each committee and the necessary staff. I think, for the present, it will be wise to confine ourselves to the proposals in the Bill and to see how far they will work successfully."

* Rao Bahadur A. T. PANNIRSELVAM:—"Sir, as I understand, the hon. Member's idea seems to be this, that the present district boards be allowed to continue as they are; to get over the inconveniences arising from the vastness of the area over which they have jurisdiction, you must constitute territorial committees. It seems to me that it comes to replacing your taluk boards by what you call committees of the district board functioning for the respective areas in which taluk boards now work. The result of it, according to me, would be that you

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will have all the disadvantages of the present system without any corresponding advantage—in fact with this additional disadvantage, viz., if regional committees which have in view the needs of the various parts of the district come to conclusions and submit proposals to the district board, which will have to find the funds from the common pool. The present taluk boards at least, wherever they make proposals for meeting the requirements of their areas, have got to find the necessary funds. Here we constitute committees which would make proposals without the least regard to the resources available, for this reason that they have no responsibility as committees for finding the funds. The result will be a large number of proposals the total cost of which would very much exceed the money that is available. There would not be any co-ordinating agency to consider the recommendations of the various committees and to judge the respective merits of the proposals submitted by half a dozen or dozen committees that are going to be constituted, and the result would be that the labours of these committees would be thrown aside probably on the plea of want of funds.

“ There is also another aspect to be considered. You create these regional committees. Are you to constitute them for the purpose of looking after the interests of particular regions in all fields within the purview of the local bodies, or are you going to constitute regional committees which would have separate functions? Are you going to divide the district into separate areas and for each one of them constitute an education committee, roads committee, health committee and any other committee you like? What would be the result of it? You will probably have 18 or 20 committees, the proposals of which will have to be co-ordinated and brought together particularly at the time of your preparing your budget and somebody else will have to find out the necessary funds.

“ The hon. Member wound up by saying that this was only a discretionary provision which gave power to Government to constitute committees which he described as regional committees for the purpose of meeting particular situations or contingencies. If that is all that is needed, I would submit that there is absolutely no need for this provision for this reason. This is what clause (2) of section 27 says:

“ In addition to the four standing committees referred to in sub-section (1), a district board shall, if so required by the Local Government, constitute one or more standing committees for the purpose of exercising such of its powers, discharging such of its duties or performing such of its functions as may be specified by the Local Government.”

The distinction comes to this, whether the district board is to act in its own initiative with the approval of the Local Government or whether the Local Government is to give the direction. It seems to be that there is absolutely no distinction at all; whether it is the direction from the Government or approval from the Government it will mean very much the same. (Interruption.) My friend tells me that the present amendment is in substitution of sub-section (2). The amendment says

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'notwithstanding anything contained in section 27-A.' It seems to me you are asking for the same powers which are already available to you in this matter. If these regional committees are to be constituted at the discretion of the Government, that can be done under the existing section. It seems to be that apart from the disadvantages of the amendment, it is also an unnecessary amendment."

* Rao Bahadur C. NATESA MUDALIYAR:—"Sir, I think these regional committees are unnecessary. These committees ignore the existence of a member of that region on the district board. With regard to the Corporation of Madras, we, the Councillors, are in charge of health, medical relief, education and various other matters pertaining to the division we represent. Whenever we want certain things to be done, we place the matter before the Council and the Council may refer that matter to the expert committee. What is the use of having these committees for areas where you have members of the district board? If you have them, there will be good deal of clash. With regard to the division which I represent, if any committee except the statutory committee of the Corporation of Madras interferes, I would resent it. If the members representing those areas are self-respecting people, they will certainly oppose the constitution of these regional committees. A committee contemplated in the Act as mentioned by Mr. Pannirselvam is to be resorted to by Government under extraordinary circumstances and not these regional committees. The committee mentioned in the Act is quite different from the committees suggested by Mr. Ranganatha Mudaliyar. What I urge is, give such work as has to be done to the member representing that area; but you should not have new persons to look after this work. Otherwise you are not developing democracy, on which hon. Sir Patro was telling us so much this morning. With these words I oppose the constitution of regional committees."

* Mr. A. RANGANATHA MUDALIYAR:—"Mr. President, Sir, I am afraid I have not made myself clear to some of the hon. Members on both the sides, and I do not think that even if I reiterate my arguments and dilate on the subject, I shall be very nearer of being understood at the end of it. I am rather disappointed at the statement of the Hon. Minister about the functions of these committees. Evidently he expects them all to function in one place and administer everything from the headquarters. I am afraid, Sir, he has not treated the committees fairly in his description of their functions. If that was really his intention, I should have expected him to word section 27-A (1) in quite a different form altogether. In referring to rural development committees, he has used in the Act the words, 'including control' and 'supervision of panchayats.' If by 'supervision' he means sitting at headquarters and issuing orders, I wish him joy of such a provision. I am quite convinced, Sir, that sooner or later we are bound to have regional committees to look after the affairs of the district. With these words, Sir, I submit the proposition to the vote of the House."

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The Hon. the PRESIDENT:—"The question is—

'Add the following as a new clause 27-B or a continuation of clause 27-A:—

"Notwithstanding anything contained in section 27-A a district board may with the previous approval of the Local Government appoint in the place of one or more of the committees referred to in clause 27-A (1) and (2) regional standing committees for the purpose of exercising such of its powers, discharging such of its duties or performing such of its functions with reference to any or all of the matters referred to in clause 27-A (1) or any other matter or matters as may be specified by the Local Government. Sub-sections (3) and (4) of section 27-A shall so far as may be apply also to the constitution of the regional committee ""."

The amendment was lost.

The Hon. the PRESIDENT:—"We have disposed of all the amendments to clause 11. Clause 11, as amended, is now for the vote of the House."

Clause 11, as amended, was put and carried.

Clauses 12 to 29 were put and carried.

Clause 29-A.

Section 67.

* The Hon. the PRESIDENT:—"Mr. Nachiyappa Gounder has given notice of an amendment^a to this clause, which is not relevant."

Clause 29-A was put and carried.

Clause 30.

Section 68.

* Rai Sahib C. KOLANDA REDDI:—"I move that—

'In section 68 of the said Act, insert the following as sub-section (1) and renumber the existing sub-sections (1) to (4) as (2) to (5) (1):—

"The Local Government shall appoint an executive officer for each district board and define his powers by statute as in the case of the Commissioner of Corporation or the commissioners of some district municipalities ""."

* Rao Bahadur A. T. PANNIRSELVAM:—"On a point of order, Mr. President. This amendment tries to raise the same question which this morning, in reference to a motion of Mr. Krishnayya Choudari,

Clause 29-A.

Section 67.

^a Mr. K. A. NACHİYAPPA GOUNDER:—

17-A. In sub-section 2 of section 67, omit the words 'only at the instance of its president.'

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you were pleased to rule out of order. There is also a further point. The Local Government 'shall appoint an executive officer for each district board and define his powers by statute'—that is the amendment. The language seems to be somewhat of a contradiction in terms. We are now engaged in framing a statute, and in doing that, we are asking the Government to prescribe powers by 'statute.' I really do not know what the wording here conveys. Moreover, this is seeking to raise the same question of executive officer which corresponds to the post of commissioner of the district municipalities. That is just the point which you were pleased to rule this morning as not arising at this stage."

* The Hon. the PRESIDENT:—"As regards the first point that has been raised by the hon. Member from Tanjore, I may tell the House that what I ruled out this morning was a motion to send the Report back to the Select Committee to consider a particular aspect. I told the House that the instruction which was sought to be given on a previous occasion had not been approved by the House and that once again the House could not be asked to give the same instruction to the same Select Committee. But the principle of appointment of executive officers can be discussed in the Council itself, because on its merits, the question has not been discussed in the Council till now. I think the Select Committee also must have discussed this matter, and the House is therefore at liberty to take up the question and discuss any amendments once again.

"As regards the other point, I should like to hear the hon. the Mover of the amendment himself before I know what exactly he means."

Rai Sahib C. KOLANDA REDDI:—"By 'statute,' Sir, I mean 'rules' which have the same force as 'statute' (Laughter)."

Rao Bahadur A. T. PANNIRSELVAM:—"May I rise to a further point of order, Sir? We are now in the second reading stage of the Bill and the point which I wish to make out is this: whether at the second reading stage it is open to us to raise any question which is not covered by the Bill itself. In the original Bill there was only a proposal for an executive officer and the executive officer contemplated in the original Bill is absolutely different and distinct from the 'commissioner' under the Municipal Act. The commissioner under the Municipal Act takes absolutely the place of the municipal chairman, while here in the original Bill there was absolutely no idea of taking away any of the powers of the president. The executive officer, as I understand it, will merely be a ministerial head under the control of the president. Now the amendment is seeking really to affect fundamentally one of the principles of the Local Boards Act itself which was never referred to in the Bill, i.e., to deprive the president of the executive powers that he has got. I think

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I will be in order in raising this question, whether it would not be foreign to the main issue of the Bill itself."

* The Hon. the PRESIDENT:—"I think the hon. Member is aware of the fact that the original Bill made provision for executive officers. As regards the extent of the powers that are going to be entrusted to the executive officer as the ministerial head on the analogy of the commissioner, it is left to the House to discuss that question and decide on the matter. It is simply a matter of an amendment, and if the hon. Member seeks to put in any further amendment to this amendment, he is at liberty to do so. Mr. Kolanda Reddi will now continue his speech and make his position very clear."

Rai Sahib C. KOLANDA REDDI:—"Mr. President, Sir, I wonder why the Select Committee fought shy of the question of the appointment of an executive officer for the district boards."

* The Hon. the PRESIDENT:—"May I interrupt the hon. Member for a second? He will do well to delete the word 'statute' and substitute the word 'rules'."

Rai Sahib C. KOLANDA REDDI:—"I have no objection, Sir; that was my intention too. (Laughter)."

* The Hon. the PRESIDENT:—"Unfortunately, his intentions are not always understood by the House. (Laughter)."

* Rao Sahib C. KOLANDA REDDI:—"As I said, Sir, I am surprised why the Select Committee fought shy of the question of the appointment of executive officers for the district boards. The fact of the matter is that this question has been hanging fire for over a decade and it has been decided on all hands at least in the mufassal—I do not know what has been the case in the City—that the appointment of an executive officer not only for the district boards but also for all local bodies inclusive of the municipality, is an indispensability. I have had experience of local bodies in the mufassal for over two decades and in the light of my experience, I submit that such an appointment is a necessity for more reasons than one. Of course, it is nothing new—this appointment of executive officer. It corresponds to the clerk of the County Council or some such thing in England. Sir, presidents may come and presidents may go; but there must be some permanent official to carry on the continuity of policy. Moreover, the executive officer, as an official, will be a whole-timer. The presidents, as honorary men, cannot be expected to devote all their time to the work of the district boards or of any local body for the matter of that. It would not be possible for them to do thorough justice to the disposal of even routine work. Even in the interests of efficiency, I submit, the executive officer, corresponding to the Commissioner of the Madras Corporation or to the commissioners appointed in some municipalities, should be entrusted with the disposal of not only routine work but also with the appointment of subordinates in these local bodies. The

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main reason is that if the president is entrusted with such a task, he would be worried on all sides by all members, and after all, he may be obliged to appoint wrong men. From that point of view also it is necessary that there must be an executive officer to assist the honorary president. Sir, all the presidents are not really efficient men, and we know what they are. In the case of such presidents, it is all the more necessary that they should have men to assist them who have had not only experience of official life but who have also a thorough knowledge of all the Acts and rules pertaining to the administration of the district boards and other local bodies. At present, unfortunately, these presidents are guided by irresponsible clerks or managers who are low paid and who have no knowledge of law and whose experience is not worth mentioning. It is something like the blind leading the blind, and you know where the administration is landed in so many districts. Moreover, Sir, the president will have to attend to certain tasks which are rather delicate and such tasks can be entrusted to the paid officer in the shape of an executive officer. 4-15 p.m.

“Again, Sir, these presidents and also the members of the board are very often threatened by the Democle’s sword of surcharge hanging over their poor heads; and if really an executive officer worth the name and a man who knows what audit is, who knows figures and who has had some experience of keeping accounts, etc., is appointed as an executive officer, then certainly the president as well as the members of the board will be saved from the sword falling over their heads as it often does. Somehow or other, I have been living under the impression that the Madras Corporation is working rather enviably as compared with the district administration, because it has got a responsible officer in the Commissioner of the Corporation; and moreover, it has been the good fortune of some of these municipalities to have commissioners of their own and I really envy those municipalities having had my own experience of municipal administration for a long time. So, all told, the appointment of an executive officer is not a day too soon and I earnestly propose that an executive officer should be appointed for each district board and rules framed for the conduct of that officer.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“Mr. President, Sir, executive officers are quite essential to every district board. When we are thinking of appointing executive officers to smaller municipalities, I do not know the reason why we should not have an executive officer for a district which deals with 20 lakhs of rupees. As a matter of fact, we are having executive officers for municipalities which have to deal with only Rs. 45,000 like Poddapur. Not only that, about the financial aspect also, every district board is having an officer on Rs. 400 or Rs. 500 called a Secretary; and when we are going to have a provincial subordinate on a uniform scale of about Rs. 150 or Rs. 200, economically also it will be beneficial to the district board. Besides this, we are introducing by this Act so many statutory committees invested with several powers and we have also given power to these statutory

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committees to elect their own chairmen, and as long as there is the scope to have a chairman to carry out the resolutions of the statutory committee, it is essential that we should have an executive officer. Further, there will always be clash of interests between the presidents of district boards and the chairmen of statutory committees, because whatever the chairman of the statutory committee passes in his committee, the president of the district board, if he is going to disagree with his proposal, may try to shelve it till another district board meeting takes place and get it cancelled or do some such thing like that. So, in order to avoid all these troubles, it will be in the interests of the district board as well as the peaceful administration of the statutory committees to have an executive officer.

"Further, Sir, the Raja Sahib of Bobbili in his statement at the time of the first introduction of this legislation stated that the Press is in favour of his legislation. I may also inform him that the Press is to-day in favour of the amendment proposed by my hon. Friend, Mr. Reddi. (Rao Bahadur A. T. Pannirselvam: 'Which Press?') The Press that the Raja Sahib quoted the other day, is also in favour of the amendment for the appointment of an executive officer. And, if the hon. Member from Tanjore has not seen the papers, I would remind him to refer to the *Hindu*, or the *Mail* or ask the Hon. the Chief Minister himself who happens to be the Leader of the worthy Member.

"Besides that, Sir, my hon. Friend has also dealt with the appointment of district board presidents, etc. Every district board president, on account of the 1930 Act is threatened at every stage by a no-confidence motion if the recommendation of an influential section for the appointment of a clerk or somebody else is not adopted by the president. In order to avoid such troubles and to permit the administration of the district board to run on smooth lines, and for the betterment of the board itself, it would be better if an executive officer is appointed. Thus the president will be saved from these no-confidence motions threatening him at every stage.

"There is also another important factor to be considered in this connexion and that is keeping up uniformity of administration. At present, about 17 or 18 presidents of district boards happen to be members of the Legislative Council and in the course of their business they have necessarily to continue to remain in Madras for 10 or 20 days and even for one month together; and vice-presidents also, some of them, happen to be members of the Legislative Council. If there is an executive officer to look after their duties in their absence, it would facilitate the honorary presidents to a great extent. Further, after the abolition of these taluk boards, we are going to entrust these presidents with huge responsibilities. For instance, in my district the district board has to be entrusted with 1,600 elementary schools and 40 local fund dispensaries, besides various road communications; and if the president were to grant casual leave applications of the employees of these various institutions, it would take a lot of time for the

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president. For these reasons, at least, if we have an executive officer—if we entrust him with statutory powers or not—it will be a great relief to the non-official president.

“Next, Sir, the Kumararaja of Venkatagiri compared himself, the president of a district board, with the Commissioner of the Corporation. He may as well compare himself with the executive officer, because the Corporation itself is having an executive officer. I hope the Kumararaja himself will come forward and suggest to the Hon. the Chief Minister that we should have executive officers for these district boards.

“With these few words, I second the motion of my hon. Friend, Mr. Kolanda Reddi.”

The Hon. the PRESIDENT:—“I wish to know from Mr. Kolanda Reddi if he is retaining the words ‘as in the case of the Commissioner of Corporation, etc.’”

Rai Sahib C. KOLANDA REDDI:—“I am willing to correct my amendment. My amendment will run like this, Sir:—

‘The Local Government shall appoint an executive officer for each district board and define his powers by rules.’”

* Mr. G. SIMHACHALAM PANTULU:—“Mr. President, Sir, I should have really appreciated very much the sentiments expressed by the hon. the Mover of the motion supported by Mr. Krishnayya Choudari from Guntur. These are the set arguments that are usually advanced for the creation of executive officers, but they were turned out on justifiable grounds time and again, because they (Government) do not see the necessity of appointing these executive officers when the boards themselves are either willing or earnest about it. In the Act there is the trouble of passing a resolution with two-thirds majority even to send away commissioners or executive officers appointed. Sir, even in the case of municipalities where commissioners have been appointed, we see everyday in the newspapers, that they are protesting against the action of the Government in having appointed commissioners in places where there is no justification. Why the appointment of an executive officer or a commissioner in the case of some such municipality is a necessity nobody knows. It is also left to the discretion of the Government. I think the appointment of these executive officers will only bring trouble instead of relief to the boards in many cases. No doubt, the executive officers will be helpful in cases where there is harmony. Otherwise, they will be a source of nuisance to the administration and deadlocks will be the result. The executive officer always wants to rule over the president and see that the president’s influence is set at naught. Sir, the president is after all an honorary worker and if he is not given discretion, if he is not allowed to have his own self-respect, or given public confidence, what is the use of his simply relying on the executive officer for his work and going ahead without

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doing anything for the people. Sir, we (the boards) have been going on for a long time, we have been attending to these audit objections and we have sufficiently made ourselves conversant with audit rules; so, on that score there is no justification, I think, for the appointment of an executive officer. I therefore regret very much that I am not in a position to support the motion so ably moved and seconded by my hon. Friends. But, I feel very sorry for the damaging remarks made by the hon. Mover of this amendment that the presidents of district boards are not competent . . . ”

Rai Sahib C. KOLANDA REDDI:—“ By way of personal explanation, Sir, I never said so. I am very sorry, being so near me, he has not heard me properly. I said, of course, there are some presidents and I do not know why my hon. Friend should be so touchy.”

Mr. G. SIMHACHALAM PANTULU:—“ After all, he has not contradicted me. He himself, in a way, admitted that he meant like that . . . ”

Rai Sahib C. KOLANDA REDDI:—“ Again, by way of personal explanation, Sir, I am very sorry that my Friend cannot make me out. I have clearly said that all presidents are not like that; they can never be like that, but there are exceptions.”

* The Hon. the PRESIDENT:—“ This is another case of the hon. Member being misunderstood.”

Mr. G. SIMHACHALAM PANTULU:—“ So, Sir, it is not the incapacity of the chairman alone or of the president alone, that ought to be the criterion for the appointment of executive officers, but there are many other circumstances that should be taken into consideration. We should consider whether there will be trouble or whether we are going to give relief to the presidents. We have not, after all, waited and seen how far good results have resulted from the appointment of commissioners to municipalities. Even yesterday, we saw in the newspapers, that in one municipality, when it was being managed very successfully by the chairman, Government were pleased to appoint a commissioner. That municipality has resented and have also sent in a protest I refer to the Cocanada Municipality. So, Sir, I do not think, there is absolute necessity for the appointment of executive officers to district boards. Just at this juncture let us therefore wait and see what results we are going to achieve in the case of the municipalities where commissioners have been appointed and then think of appointing such officers to the district boards. This is a proposal which has been hanging fire as my hon. Friend pointed out at the very outset, for a long time. We have yet to see and satisfy ourselves how this system works, and then only we can think of doing some such thing as has been proposed. Otherwise at the present juncture I see no need for the appointment of executive officers in the case of district boards.”

* Mr. E. CONRAN SMITH:—“ Mr. President, Sir, if I rise now to intervene in this debate, it is not to discourage hon. Members from

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giving Government the benefit of their views on the general question of executive officers, but it is rather to suggest that they may do well to defer the matter to another occasion, and also to point out that the amendment proposed by Mr. C. K. Reddi will not achieve the object he has in view. In the Select Committee there were two schools of thought. One school of thought was opposed to the executive officers on principle. The other school of thought was opposed to the particular form of provision made in the Government's Bill, because they thought that it was insufficient for the purpose required. What the Mover of this amendment now proposes to do is by one small provision to achieve what can only be achieved by a comprehensive amendment. It is not possible by rule-making powers to take away from the presidents of district boards powers conferred on them by statutory provisions under the existing Act. I may suggest, therefore, that this amendment will not achieve in any sense the object which the Mover has in view, that is to invest the executive officer with the same wide powers as are conferred on the commissioners of municipalities or the Commissioner of the Madras Corporation. I hope therefore that the House will agree that this question of executive officers should lie over to be dealt with finally by a comprehensive Bill if occasion arises. My hon. Friend here throws out a suggestion to have executive officers as provided in the original Bill. I can only say that there is a fairly large body of opinion opposed to it."

* The Hon. the PRESIDENT:—"Am I to understand that the suggestion thrown out by Mr. Conran Smith is that the discussion on this particular amendment should lie over till some other occasion?"

Mr. E. CONRAN SMITH:—"I am merely suggesting to the Mover that the particular form of the amendment which he has moved would not achieve the object he has in view."

* Rao Bahadur A. T. PANNIRSELVAM:—"Mr. President, Sir, the statement made by Mr. Conran Smith seems to me to be perfectly sound. As far as I could make out this amendment would not enable the Government to invest the executive officers with such powers as the hon. Mover of the amendment desires them to be invested with. With due deference to your ruling, Mr. President, I have my own doubts as to whether the amendment itself would be legally of any value at all as the amendment originally moved stood. The difficulty is to some extent eliminated by the hon. Mover of the amendment desiring or agreeing to drop the portion referring to commissioners of municipalities or the Commissioner of the Madras Corporation. But even then, it seems to me that this amendment is hardly going to serve its purpose. What it says is that the Local Government shall appoint an executive officer for each district board and define his powers by rules. Unless it is intended that the Government is to prescribe the rules or is to prescribe by rules, the powers which are now exercised by the president of the district board, it seems to me that his object will not be

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gained. There will be no advantage at all. If the rules of the Government are merely to state what work the district board servants can do and that such and such powers can be discharged by the executive officer, that would be really no improvement or it would not afford any relief to the president of the district board. The duties and the powers which are now vested in the president of the district board by statute cannot be touched by the Government by any rules. As for the volume of the work which a president of a district board has got to do—I may submit that that was the point raised by Mr. Krishnavya Choudari—I would only submit that there is absolutely nothing in the present Act which prevents the president of the district board from relieving himself of a considerable portion of his work by delegating certain functions to his servants. Because there is power under the Act not merely to delegate his powers and functions to the vice-president but also to delegate them to any one of the members; he can also delegate them to any one of his servants. So far as these leave applications of 1,600 schools and work of such routine character is concerned, it is perfectly open to the president of the district board to relieve himself by actual delegation. When I say this, I am not in any sense to be understood as being opposed to the principle of an executive officer for a district board, though I must certainly express my surprise that hon. Members opposite who yesterday joined in a fusillade of questions aimed at the Hon. the Chief Minister for his extending the policy of appointing commissioners to municipalities to various municipalities not mentioned in the annexure to the amending Act, should have been so very vehement in attacking the action of the Hon. the Chief Minister yesterday morning, that to-day they should have become so enamoured of the appointment of executive officers—seems to be a matter for surprise. I personally feel, Sir, that considering the volume and extent of the work which a non-official president has to do, there were certain moments when I did feel that district boards should have executive officers appointed to them having the same powers as the Commissioner of the Corporation of Madras. Considering the vast area over which the district boards have jurisdiction, the volume and extent of the work, the amount of responsibility thrown on the shoulders of the district board president, we would really be doing a very great service to the presidents of district boards if we are to give them the help of an executive officer, not merely to discharge routine duties but also to relieve him of certain more responsible tasks which, to say the least of it, becomes very embarrassing for a non-official elected president to discharge and which are much rather discharged by officials who are not subject to the whims and fancies of elected members on the boards. But I must also state this. It is not so very long ago that we have introduced the system of commissioners for mufassal district municipalities. No doubt, on the occasion when that Bill was passed, we all praised the hon. Member from Bellary for the very able step he took in introducing and piloting that Bill through the House to a successful issue. But at the same time I felt that we were perhaps

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gloating a bit too soon. We are not quite sure if this system of executive officers or commissioners in municipalities is going to work very smoothly and very well and whether the deadlocks in administration which we had been accustomed to—deadlocks in municipalities before the Act of 1920 with its system of having irremovable secretaries with delegated powers which could not be revoked—might not come in. And if they do come in, I might also state that our country will not be the only one which has had this difficult experience of a clash between the elected representatives of the people and the irremovable executive head. I believe such experiences are common even in England and committees after committees, royal commissions and various other conferences have been held to try and solve the problem of reconciling the conflicting interests in the matter of having executive officers, or, as they are called in England, town clerks. But anyway, we have launched on that system, and I believe it is too soon to-day to say whether that experiment has been a success or not. And it may be that in a large number of municipalities it brings on deadlocks, it leads to impossible positions, or we might have to revise our views in the matter of municipal administration. But anyway I think we would be well advised in deferring this question to a further date till we are able to know where exactly we stand with reference to these commissioners in the matter of municipalities. Therefore I would certainly join Mr. Conran Smith in requesting the hon. Mover of the amendment to withdraw it at least for the time being."

* MR. A. RANGANATHA MUDALIYAR:—"Mr. President, Sir, the amendment as moved by my hon. Friend, Mr. C. K. Reddi, starts with the words, 'the Local Government shall appoint an executive officer for each district board, etc.' I have given notice of another amendment which is practically the same as that moved by him but for the words 'as may be prescribed by the Government.' Therefore, with your leave, Sir, I should like to make an addition of these words to the amendment moved by Mr. C. K. Reddi, and I think, Sir, that perhaps, to some extent the addition may meet the objections of my Friend, Mr. Conran Smith, in regard to the form in which the amendment has been proposed. I am rather surprised that the Government should now come forward and tell us that the object they had in view would not be met. I suppose they had some object in view when they drafted the original Bill in which they, in more than one place, referred to the executive officers. I am surprised to know from them that they drafted the Bill without verifying that the object they had in view would be achieved by the amendment."

* THE HON. THE RAJA OF BOBBILI:—"Sir, I believe this point was threshed out more than once in the Select Committee. The real point is that the rules framed by the Government must be consistent with the Act. It is not possible for the Government to frame any rules under the powers which are now proposed to be given by this amendment to

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take away the powers vested in the president of the district board by the Act itself. That is why it has been stated by my Friend here that if it is found necessary for such an amendment to be carried, a comprehensive amendment may be brought in afterwards."

Mr. A. RANGANATHA MUDALIYAR:—"Much of the trouble would have been saved if the Select Committee's report was more comprehensive in regard to the point covered by this amendment. If from what has been now said by the Hon. Minister we are to conclude that he will take the earliest opportunity to introduce a Bill on the lines of this amendment, giving powers by statute to the executive officers such as those conferred on the commissioners in municipalities, we are not going to waste the time of the Council by proposing amendments of this sort. Some doubt has been cast on the utility of the commissioners that have been appointed to the various municipalities. May I, Sir, with your leave pass on for the information of the Hon. the Minister and his Colleagues, what I have heard about these appointments. Opinion is unanimous if I may say so, that these commissioners are really of value and benefit to the various municipalities concerned. I may also add, Sir, that there is an opinion that if the Government would only exercise the same care in regard to the appointments they are now making as they undoubtedly did with regard to the first appointments they made, the result would be even more appreciable. I just pass on this information to the Government, namely, that there is a feeling in the country that in regard to later appointments, they have been by no means as careful in the choice of men as they were in regard to the earlier appointments. There is no denying the fact at all that these commissioners are appreciated in the various municipalities to which they are appointed."

Dr. P. SUBBARAYAN:—"Mr. President, if the House will remember aright, I did introduce an instruction to the Select Committee that the Select Committee might be empowered to introduce comprehensive amendments in order to bring about the result which my Hon. Friend, Mr. Conran Smith, has in mind, of giving the executive officers the necessary power to enable them to function in the same way as the commissioners of municipalities do at present. Unfortunately, the Hon. the Minister felt that as time was pressing and as he wanted the abolition of the taluk boards and the saving of the finances of the local bodies, he felt that the introduction of an amendment like the question of the executive officers might delay the passage of the measure. That is why he said he opposed that instruction to the Select Committee. Therefore, I felt that the Hon. the Chief Minister did feel that there was some point in the suggestions made by other members on this side of the House about executive officers being appointed in the case of the district boards as in the case of the municipalities. If it is granted that the work of these local bodies have become so heavy that it is not possible for an elected head—who has got his own business—to attend to it day by day, I am sure, the argument which applies to district municipalities

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to which executive officers have been now appointed applies even more strongly to district boards because the income of the district boards is certainly much larger and under the measure that is now proposed if the taluk boards are abolished and their finances are given to the district boards, the work will become heavier still. Therefore, I thought the question would have been tackled by the Chief Minister and his advisors in the preparation of this measure, but owing to the financial position of the local bodies, they thought it better to tackle this, to begin with, and then introduce a comprehensive measure. As my friend, Mr. Ranganatha Mudaliyar suggested, I believe the Chief Minister has under consideration a comprehensive amendment for bringing in executive officers for district boards with functions similar as in the case of the district municipalities. I am sure my hon. Friends on this side of the House would be quite willing to withdraw the amendment for the reason we are as keen as hon. Members on the other side that some solution should be found for the financial plight in which the local bodies are placed to-day."

* The Hon. the RAJA OF BOBBILI:—"My hon. Friend, the Leader of the Opposition, and Mr. Ranganatha Mudaliyar, wanted an assurance from Government that they would take up the question of executive officers in the near future. I may refer them to my speech on 2nd February 1934 wherein I have stated the position of the Government. I said as follows:—

"As regards the other instruction which is sought to be given to the Select Committee for amending the Act suitably on the lines of the recent amendment to the District Municipalities Act, I feel, Sir, that it is necessary to have a separate Bill on this subject, and that it will not be possible to introduce such far-reaching changes now. Further, I do not wish to make any secret of the fact that, although such a change will be necessary, sufficient time should elapse to see how far the experiment that is being tried in the case of the municipalities has been successful; in other words, some more time is required to see how the appointment of commissioners for municipalities will work. After satisfying ourselves with regard to its success, we will follow with the necessary Bill to extend that principle in the case of the district boards."

I think if an assurance is necessary, it has already been given in what I have said."

* Rai Sahib C. KOLANDA REDDI:—"I am really thankful to the Hon. the Chief Minister as also his advisor for the promise they have made that the matter is having their consideration. It should have been better had they said that a Bill like that is under preparation. But my friend, the Chief Minister wants still more time to see whether the appointment of commissioners for diverse municipalities is a success or not. Still, Sir, if that were the case, certainly, they would have stopped somewhere and the Government could have waited to see whether the appointments are a success or failure. On the other hand, the Government has been going on appointing batches after batches and I do not know where it will end. Now, after all, the Chief Minister was saying that mere rules would not go a long way because there is a need for taking away some powers from the district board presidents. And

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for that a separate Bill is necessary and mere rules won't do. Of course, there is much force in that statement. Nevertheless, I fear it is not a day too soon that these executive officers are appointed for these district boards. I know, Sir, that we who have been toiling in the field of local self-government for years together we who have been in touch in diverse capacities with these local self-government administrations in the mufassal, we rather feel very keenly and I am sure there are very many friends of mine who join me in the view that the appointment of executive officers is an urgent necessity. Perhaps Government may not feel so keenly as we do. Of course, diverse objections were raised by some of my friends. For the matter of that the hon. Member who represents Guntur said that the appointment of commissioners for municipalities savours badly. I wonder why. He says that he has read in some papers that some municipality or the municipal chairman revolted against the appointment of a commissioner for that municipality. It is no wonder, Sir. Till now, we have been free lances. I mean by we those who have been administering local bodies in the mufassal. All of a sudden, if a check is to be put upon our activities in the shape of commissioners, we may revolt. It is something like breaking in the colt. Now, I am certain that every one would feel the utility and usefulness of this experiment and its wisdom too. So, because some solitary municipality objected to the appointment of a commissioner because it was not very palatable, that should not be the reason for not appointing executive officers. Now, Sir, my friend, Mr. Pannirselvam, observed that there are various provisions in the Local Boards Act itself (Mr. A. T. Pannirselvam: Not various, but only one), thanks to him. There is a provision empowering the president to delegate his powers. But, Sir, I may tell you from my experience that man is by nature loath to part with power. Now, taking human nature as it is, although there is a clear provision in the Act itself, unfortunately because it is against human nature, presidents do not delegate powers at all. After all even if we go on dinning into them, they will simply delegate power for signing cheques. That they think is delegating most of their power. In fact the more incompetent a president is, the greater is his reluctance. So, unless there is a statute goading them to part with it, unless there is a compulsion of law, these presidents would be loath to part with what power they have whether they use it or abuse it. My friend the hon. Member from Guntur was saying that I said that all the presidents of the district boards in the mufassal are incompetent and so, executive officers should be appointed. That is, I am sorry to say is a half-truth. Now, I never said so. On the other hand I adduced diverse reasons for the appointment of executive officers. I said that the president may be as competent as the President of the Legislative Council, yet there is a need for the appointment of the executive officer for the simple reason that if he is relieved of the burden of attending to routine, he will be keeping his mind composed and he will be able to attend to larger problems for the improvement of the

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district with regard to sanitation, health, medicine, education, communication and what not. On the other hand, morning and evening if in the absence of an executive officer, he is obliged to be confined to the desk he will become an auto-maton. So, my submission is there are various reasons."

Mr. G. SIMHACHALAM PANTULU:—"On a point of order, Sir. Is the hon. Member making a speech once again or withdrawing or replying?"

* The Hon. the PRESIDENT:—"Order, order. We shall proceed in an orderly manner. Is the hon. Member continuing or concluding his speech?"

* Rai Sahib C. KOLANDA REDDI:—"I am sorry that my hon. Friend from Guntur has a knack of misunderstanding me. (Laughter.) Yes, Sir, this president in the absence of the executive officer has been a real victim."

* The Hon. the PRESIDENT:—"The hon. Member is trying to repeat his argument. I will have to request him to sit down."

* Rai Sahib C. KOLANDA REDDI:—"I am afraid it is a new argument altogether. (Laughter.) With your permission, Sir, . . ."

* The Hon. the PRESIDENT:—"The hon. Member may resume his seat."

Mr. Ranganatha Mudaliyar's amendment was put and declared lost.

Mr. Kolanda Reddi's amendment was then put and lost.

The House then rose for the day to meet again at 11 a.m. the next day.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

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TRUTH ALONE TRIUMPHS